SERBIAN
POLITICAL
THOUGHT

Institute for Political Studies

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Editorial

The Institute for Political Studies in Belgrade continues its project of publishing the scientific journal "Serbian Political Thought" started in 1996 (the reason for not publishing this journal since 1996 until today was purely financial), with the goal of introducing European and international scientific circles to contemporary courses in political science and research in Serbia. Serbia, with its numerous issues ensuing from the breakup of Yugoslavia- nationalism, ethnic conflicts, state- and nation-building, parallel with its multiple issues of the postcommunist transition toward democracy and market economy, has remained a very interesting country from the aspect of interdisciplinary scientific studies. Nevertheless, Serbia is neither a new state, nor a new society, and has a contiunous tradition of political thought, implicating the whole spectrum of politicological topics that follow the most contemporary scientific trends worldwide.

We are assured of the necessity to publish the journal in English so as to efficiently present the development of political thought in Serbia. The Institute for Political Studies has been for over four decades one of central gathering places for a wide circle of intellectuals involved in political science in Serbia. We are proud to present to you the edition of their most significant articles in English, so that we can shed more light on main courses of Serbian political thought. For that reason this issue of the journal publishes a wide range of papers representing a cross section of the most significant trends in the Serbian political scene. Naturally, the illustrativeness of the cross section is directly influenced by the criteria and insights of the Editorial Board.

As a result, the main mission of our journal is to establish an exchange of ideas with our eminent colleagues and their scientific research intitutes from Europe and the whole world. For that reason, we would like to invite all colleagues interested in collaboration to contact us without hesitation.

Editorial Board

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How Democratic Institutions Emerge

Abstract

The paper discusses the emergence of democratic institutions. It assumes that institutions can be created if they are compliance-inducing, and tries to answer the question when and why institutions bring about compliance. The paper is divided into two parts. In the first part, I discuss the emergence of institutions generally by applying the concept of the social dilemma. In the second part, I look into the compliance-inducing capability of democratic institutions.

Key words: Institutions; rational choice institutionalism; social dilemma; equilibrium; consolidation of democracy.

Introduction

The title of this paper suggests that the main issue which I will discuss here is the phenomenon of emergence of democratic institutions (which is also partly contained in the issue of emergence of institutions as such). That is correct. However, as will be shown later, the emergence of institutions cannot be separated from the question: "when can institutions bring about compliance?" I will argue that institutions are created if they are compliance-inducing. Without compliance, there are no institutions. There is no automatic correlation between the emergence of institutions and their compliance-inducing character. It would be possible to imagine institutions which just emerged only to collapse or change their character in short time. The reason for such collapse is the absence of compliance-inducing capacity. I am, therefore, interested in exploring how compliance-inducing institutions emerge. The issue of emergence and compliance by democratic institutions can be divided in two parts: (1) power to induce compliance in the course of their establishment, (2) power to induce compliance as they are sustained (when they have existed for a long time). By this I wish to indicate that not only are there two areas in the research of institutions, but that the research of these two areas leads to different conclusions on when and how institutions bring about compliance. In the latter case - of an existing democratic system - the likelihood of compliance is far greater. The reason

is that institutions are comparatively autonomous, in other words, there is a higher probability that socio-economic conditions in a consolidated democratic system will generate compliance with democratic institutions. Democracy always survives in economically developed countries since dependence on income creates rise-aversion and generates the need for physical security (Przeworski 2005: 265). And this is what institutional routines and rules provide.

Compliance in an institutional vacuum

Illustration from the previous section demonstrates that it is easy to defend the institutions' endogeneity thesis when a society is wealthy and when institutions have been functioning for some time. In comparative literature there is general agreement that economic development affects the stability of democracy, i.e. the power of democratic institutions to commit actors to a particular behaviour (Przeworski et al. 2000; Landman 2003: 65-93). There is less research on what is the probability that institutions will emerge and induce compliance in the context of undemocratic or collapsed undemocratic regimes. Uncertainty as to whether democratic institutions can commit anyone to compliance is higher since socio-economic conditions are far worse in that context. Therefore, I am interested in what can be said about the emergence and compliance by democratic institutions if we assume an unfavourable socio-economic context. The question is: how do institutions emerge, can they even emerge and when is compliance first introduced if they emerge in the context of unfavourable socioeconomic conditions.

Let us then imagine that a non-democratic regime is organising the first free elections or that they are being organised in the context of an institutional vacuum. Here we can find some enlightening historical examples. When the Allies departed from occupied and war-ravaged West Germany and Japan after World War II, they left behind democratic and market economy institutions. These institutions took root and they still govern political and economic relations in these countries. When the US occupying forces left Haiti in 1934, they also left behind democratic and market institutions. Yet, these institutions did not deter President Sténio Vincent from becoming the absolute dictator of Haiti only one year later (Przeworski 2004: 520).

The explanation of the emergence and compliance by democratic institutions in the first example is clear: they were created and supported from outside. There is no way to regard it as an autonomous process in which actors, on the basis of their self-interest (or any other interest) achieve a situation of equilibrium in which institutions are accepted voluntarily. However, why didn't democratic institutions achieve compliance in the second case? Does this mean that democracy is unachievable when conditions conducive to it do not exist, that is, when institutions have just been created and are fragile? Haiti is perhaps too distant an example for understanding the issue at hand. There are better known cases from our nearest and more distant environment. Let us take the examples of Croatia, Serbia, Georgia and Ukraine

in the period 2000-2004, i.e. the time of the so-called electoral revolutions (Bunce & Wolchik 2011). Why can we find different degrees of democratic institutions' stability in these states since 2000, 2003 and 2004, respectively? In other words, why can in some cases be stated that democratic institutions were strengthened at the end of 2008 (Croatia), in others that such outcome was highly probable, although not completely irreversible (Serbian), while in third (Georgia, Ukraine) that there was a high risk for democracy to collapse, thus bringing the system back into a hybrid or undemocratic state? At this point, I will suggest my conclusion, which I will attempt to substantiate further in this paper. There are several conditions under which democratic institutions in poor societies with no democratic tradition can emerge and induce compliance:

- (a) if electoral institution are at least accepted to a degree which guarantees multiple electoral rounds;
- (b) if military power is evenly equilibrium, i.e., if the expected redistribution reflects the equilibrium of military forces of key actors;
- (c) if institutions are perceived as fair, i.e., if they potentially offer all actors an opportunity to come to power.

Condition (b) is probably crucial as it might be more important than the other two: if electoral institutions guarantee several electoral rounds (which allows for the recurrence of the prisoner's dilemma, as will be further discussed in the next section) and if they are fair, the disequilibrium of military power may avert players from cooperation. Military disequilibrium has its own driving forces. These forces are also conditions which prevent the emergence of democratic institutions:

- (d) low income level, inducing actors to violate agreements since they have nothing to lose;
- (e) the existence of a security dilemma, which motivates actors to circumvent democratic institutions and to monopolize military power.

I discuss (a), (b) and (c) in sections 4-5 and (d) and (e) in section 6 (For a more extensive discussion of (e), see: Pavlović and Antonić 2007).

New institutionalism in political science

I start by placing the argument into a theoretical paradigm. This text draws on the perspective of new institutionalism in political science. An institutionalist in political (and social) sciences is someone who believes that institutions are endogenous, i.e. relatively autonomous and not a reflection of relationships established in the social structure (March & Olsen 1984, 1989, 2006). In other words, institutions influence the behaviour of decision-makers and the outcomes of interactions. There are three ways to consider this influence. Institutions structure the outcomes by: (a) defining who may participate in the political contest, (b) influence the shaping of

political strategies, and (c) influence what the actors believe is possible and desirable (influence the shaping of their preference) (Steinmo, 2001: 570-571).

In the light of existence of several types of institutionalism (Taylor & Hall 1996; Thelen 1999; Peters 2005; Rhodes et al. 2006; Peters & Pierre 2007), I go for rational choice institutionalism. Without getting into further discussion on the basic assumptions of this variant of institutionalism (Steinmo 2001, Weingast 1996, 2002, Peters 2005; Shepsle 2006), I would like to point to just two important concepts, as they are necessary for what I will attempt to show in this paper. First, rational choice institutionalism contributed to a particular understanding of institutional endogeneity, according to which, for institutions to be able to induce compliance, they must be self-enforcing. As we will see later, democratic institutions, deriving from democratic constitution, cannot be established by a third party. It is up to actors themselves to agree on their acceptability and subsequently to sustain them. Derived from that is the idea of relative autonomy of institutions: their compliance power is always contingent on circumstances, since actors are not facing the same incentives for sustaining institutions.

Another important concept is equilibrium. Among rational choice theorists, there are at least two camps with different understanding of the issue of equilibrium. According to one view, equilibrium is structurally induced. Others argue that equilibrium is a product of social interaction, or that it is self-imposing (Alt, 2002: 150). I would like to examine this latter type of equilibrium, as I intend to show that equilibrium is not always possible, namely, that it does not necessarily result in democratic institutions (Pavlović 2006). Although it is generally considered that institutions reduce transaction costs, increase the predictability of interactions, increase certainty, and induce stability (Alt & Alesina 1996: 647; Alt 2002: 149), all of which should conform to the rational interest of each actor (individual or group), this still does not mean that some actors will find it more rational to circumvent democratic institutions. If at least one actor believes that she would be better off by pursuing his strategies beyond these institutions, democratic institutions may not emerge. I will discuss these conditions in sections 4-6.

The question I now wish to answer draws upon the Prisoner's dilemma (Axelrod 1984; Taylor 1987; Poundstone 1992). For the purpose of this paper it will be reshaped into a social (or democratic) dilemma (Mueller 1996: 51). My purpose is to point to the issue of mistrust between actors which prevents the emergence and establishment of democratic institutions.

I briefly explain the gist of the dilemma. Imagine two farmers who cultivate corn. FARMER B's corn is due for harvesting two weeks later than that of FARMER A. The farmers have two options: to harvest their corn by themselves or to help each other. If each minds his own corn, the payoff is minimal for both. If they cooperated, each could secure greater utility. The conclusion is clear: it is better to cooperate than not to cooperate. However, what guarantees that farmers will cooperate, i.e. that the farmer whose crops are due for harvest first, would later help the other?

FARMER B can help FARMER A to harvest his corn, but why would FARMER B trust that FARMER A would reciprocate two weeks later? Having no guarantees that FARMER A would help him, FARMER B has no reason to help FARMER A. And since FARMER A knows this, he has no reason to seek his help. This brings us to the minimal utility which is detrimental to both farmers. Note that in this case, nothing is illogical: the behaviour of both farmers is perfectly rational when things are seen from their personal perspective, before final payout is due. Of course, had the farmers known the final outcome, perhaps they would have helped each other. But even then, FARMER B could not be sure that FARMER A would cooperate once he saw his corn stacked in the barn. This is the point of the Prisoner's or social, dilemma: although cooperation is in the interest of two perfectly rational individuals, the outcome will for both of them be suboptimal, but it would nonetheless be rational. Rationality, in this case, is self-defeating.

Why does it happen? There are two reasons. The first reason is the fact that in the dilemma described above, interaction takes place only once. If I know that I will never meet you again, it is rational not to cooperate and to use your help. If you know that, you will avoid any interaction implying cooperation with me. Repeated interactions change the perception of actors about what pays better.

The second reason is the actors' short sight. Specifically, loss incurred from non-cooperation is long-term. If the farmers do not cooperate for years, they will have more loss than gain from non-cooperation. But loss is deferred, while short-term benefit of non-cooperation is immediate. If FARMER A succeeds in convincing FARMER B to help him, and then fails to return the service, his benefit in the short term is higher, because the fact that he does not have to reciprocate the service does not create opportunistic cost. The vast majority of actors behave short-sightedly, since they have a tendency to time discounting (Elster 2007: 114-118). Just as a bigger house in the distance may seem smaller than a small house near you, so a larger amount of money you should receive later may seem smaller than a smaller amount you receive now (ibid: 115).

The social dilemma: rational choice or democracy?

The question asked at the beginning is: under what conditions can rational individuals be expected to comply with the democratic rules of the game? Rational choice theorists ask that question in a general way: what can motivate individuals to comply with rules and norms imposed by institutions? I will now attempt to answer this question in a generalized way, but the reply will also have to be partly specific, because we are not dealing with institutions in general, but with democratic institutions.

As we know, constitutional democracy, in which future incumbents are chosen in democratic elections, generates winners and losers. This is normal in situations of social conflicts. If there are conflicts and winners and losers, then the next logical

question is this: why do losers have no incentive to behave subversively? Compliance by losers in democratic elections is central to the stability of a democratic system (Anderson et al. 2005). Given that in a democracy someone must always lose, this question, more specifically, could look like this: Why do political forces which lose an election continue to comply with the outcome instead of trying to topple the system and win power by force? On the one hand, trust is necessary. On the other, it is necessary for democracy to be perceived as a fair system of distribution. In other words, actors must trust each other that whoever wins power will not abuse it. And they will believe it if they have reason to believe that they stand the chance to win power in the future (Przeworski 1991; 2005).

The crux of the problem partly corresponds to the prisoner's dilemma: let's not forget that the main problem which actors must overcome is the lack of trust resulting in non-cooperation. Cooperation in democracy implies willingness by actors to conform to democratic norms and procedures. Cooperating is the person who agrees to comply with outcomes of democratic institutions, even if not in their favour. But actors in democracy, just as in the prisoner's dilemma (PD), are from time to time tempted to stop cooperating, i.e. cease complying with democratic outcomes (behave subversively). This can be true also of those who win power, and not just those who lost it. It is not difficult to imagine circumstances in which there is no institutional way of preventing power-winners from usurping all the power and thus turning a democracy into an undemocratic regime. The example of Hitler's Germany best illustrates this point.

How can democracy be expressed as the prisoner's dilemma? Take a look at Figure 1 and assume that the numbers in boxes, instead of years of imprisonment, indicate rewards (payoff) for cooperation and defection (non-cooperation). If they cooperate (comply with democratic procedures), both actors score a total of 20 units divided into equal parts (BOX 1). If both defect, they win the minimal payoff of three units (BOX 4). Payoffs in BOXES 2 and 3 show payoffs for defection. In these cases, defector (not complying with democratic procedures), can gain more than in the case of reciprocal cooperation.
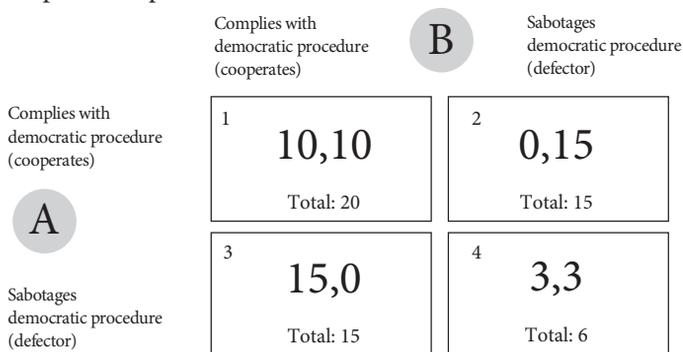

Figure 1. Structure of the Prisoner's Dilemma game applied to democratic dilemma

Now let us imagine that PARTY A and PARTY B are running in some hypothetic parliamentary election. PARTY A, which accepts the rules of democratic game, has won. PARTY B, previously in power, also accepts democratic rules and steps down from power voluntarily, surrendering the rule to PARTY A. (Both parties are awarded with 10 units, BOX 1). The fact that Party A has now come to power yields it the opportunity to seize all the power (and win 15 units, BOX 3). This is the temptation of defection, always latently present in democracy, as there is no one else to enforce democratic institutions, but the actors themselves. Let's assume that PARTY A decides to accept democracy only if it continues to win elections. For that, it is necessary to create some conditions. In the next four years, the party gradually replaces people in top positions in the army, police, judiciary, media, electoral commission, public enterprises, state audit institution, central bank, universities, hospitals etc. Replacements are carried out gradually so that no one can protest. (If it is done at once, PARTY B may immediately call for street protests).

On the next election, four years later, PARTY B sweeps to victory, but this time PARTY A states that it does not want to cede power to PARTY B, since, for example, the latter has no idea of national or state interests. Electoral Commission annuls the elections and organises new ones in which, with inevitable manipulations, PARTY A wins. Theorists of democracy who accept old institutionalism could not explain how that happened. They should, in fact, claim that this outcome is impossible, because relevant institutions (courts, police, etc.) would have intervened to prevent the obliteration of democratic procedures. But in this case, after four years, it is no longer possible: since replacements were already made, rule of law, independent judiciary and depoliticised police could no longer be invoked, because all of them no longer existed. PARTY A gained more than it would have had it cooperated and PARTY B was naïve for trusting it. Of course, had PARTY B known four years before that PARTY A would act this way, it may not have surrendered power to it (thus securing itself maximum payoff of 15, BOX 2). PARTY B may also claim that it does not recognize the rigged election and threaten to call mass rally, an armed rebellion, or invite another country to restore democratic order by militarily intervention. Until that happens (if it does happen at all), years can pass in the state of violence, whereby both actors would gain less than they would had they continued to cooperate (BOX 4).

As mentioned earlier, rational actors in a democratic system are constantly faced with a temptation to quit the game under the democratic rules. Let us recall that the strongest motive for defection in the prisoner's dilemma was self-protection from the worst possible outcome. The same could happen in a democracy: before any interaction occurs, due to the lack of trust and the desire to avoid subversive practices, actors can opt for non-cooperation in order to avoid a situation of looking naïve. The prisoner's dilemma ends with a collectively suboptimal outcome exactly because PARTY A knows that PARTY B thinks the same way as PARTY A would were it in the same position - it would defect. Hence the final outcome would be suboptimal (BOX 4); it implies a complete lack of cooperation through democratic procedures or an attempt to control social resources by force.

In order to shed some more light on issues of democratic dilemma and requirement of self-enforcement, it is necessary to emphasize that overcoming of the dilemma cannot be guaranteed by constitution, if constitution is construed as a contract. According to this view, the sustaining of democracy is not an agreement among actors, but a constitution shaped as a binding social contract (Dimitrijević 2008; Molnar 2008). The constitution regulates democratic rights and freedoms, and sets limitations to power. However, from the perspective of the rational choice theory, the constitution is not a contract. In fact, the constitution does not address the issue of compliance by the parties, but only the issue of coordination (Hardin 1989).

Such an understanding of the constitution sheds a little needed light on the way in which democratic institutions can be sustained by self-enforcement. In order for a democracy to take root, it must be supported by all parties involved in the process. If the state was a contract guaranteed by a third party which is not party to the contract (as Hobbes believed), it could bring non-democratic actors to reason and punish them, and democracy would never face the problem of non-cooperation manifested in the prisoner's dilemma. The reason for this is that Hobbes regarded the state as autonomous vis-à-vis politically organised civil society. However, the claim that constitutional democracy is a social contract is incoherent from the standpoint of rational choice theory, since contract can exist only if there is someone above the actors who can guarantee it. Democracy, by contrast, is a system in which no one can be above the will of the parties. In other words, no one can guarantee a democratic order but the parties themselves. "The most important element that a formal constitution and a contract by convention have in common is that both depend not on sanctions from some external power, as legal contracts typically do, but on sanctions and incentives internal to the group governed by them". (Hardin 1989: 102) Democracy is an agreement by which individuals have decided to cooperate. If they decide to discontinue cooperation, no one can prevent them or force them to do otherwise. The constitution, therefore, resolves the issue of coordination if actors are willing to cooperate; if not, the constitution grants no guarantee of cooperation.

Therefore, in order to consolidate democratic institutions, the overcoming of the democratic dilemma needs to meet several conditions. Weingast lists a total of four:

- agreement of the parties (actors) must create rules and rights binding for all parties;
- actors bound by the agreement must believe that they are better off if they comply than if they do not;
- each party must be prepared to change their behavior (from defecting to cooperating), but only if the other party does the same;
- parties to the agreement must be prepared to defend their agreement from those who may violate it, including political leaders elected to coordinate activities in the interest of all (Weingast 2002, 682, 2004).

However, since conditions cannot be monitored by a third party, but only by the signatory parties, institutions can be sustained (induce compliance) only if they are self-enforcing.

Consolidation of democratic institutions

The concept of equilibrium is central to the issue that I address now, since rational choice institutionalism argues that institutions of constitutional democracy may emerge even in conditions of the prisoners' dilemma. In fact, some early rational choice theorists claim that overcoming of the collective action problem (Olson 1965) is the key political problem, meaning that without overcoming the collective action problem, there would be no politics (Weale 2004).

The Prisoners' dilemma (PD) concept is used by rational choice theorists to explain how institutions emerge. Institutions, it is argued, always advance social cooperation which is presumed to be preferable to the absence of cooperation. What makes reciprocal cooperation worthwhile in the prisoner's dilemma is that it enables coordination (Hardin 1989, 103).

In the absence of institutions and coordination, individuals are constantly faced with a threat of lower utility and prosperity. It is evident that defection will be attractive only if the game is played only once. However, a game which is played only once is a rare occurrence in real life (Weale 2004: 92). In the light of repeated interaction, actors will have to agree to the creation of institutions, because it would make them realise that it is more rational to cooperate and thus increase benefit. Hence, actors will always choose cooperation if interaction is iterated (Taylor 1987; Axelrod 1984; Weingast 2002: 671; Weale 2004). That is to say that cooperation will become self-enforcing, since actors will realise, after several consecutive rounds, that cooperation offers better payoff than non-cooperation.

If, as it follows from section 1, the democratic dilemma is easy to overcome (or does not arise at all) in a strong economic system where actors have a strong interest to cooperate, how can it be overcome in unfavourable economic conditions where democratic institutions have just emerged? Can democratic institutions be consolidated in such a way that they are not changed or undermined after each change of government? The literature about democratic transition argues that transformation from one system to another can be made only if the newly emerged system was a consolidated democracy (Elster et al., 1998, Linz & Stepan 1996). For, it is one thing to establish institutions, and another to comply with these institutions continually. The general view is that democracy is consolidated when key political forces agree that return to the undemocratic system is undesirable (Schneider & Schmitter 2004: 67). The motive, or rational interest for such accord must be generated by democratic procedures themselves; except in special cases, no one but the actors can guarantee it. This is the very meaning of the famous phrase that democracy is consolidated only if it becomes the "only game in town", that is, if it is

accepted attitudinally and not only behaviourally (Diamond 1999; Schedler 2001). Indeed, where the stability of institutions is guaranteed by none other than those governed by them, actors need to be willing to sustain these institutions themselves. Democracy is, therefore, consolidated only when it becomes self-enforcing, i.e. when it generates reasons for actors to stay in equilibrium.

In order to understand the problem of maintaining equilibrium in a democratic system from the perspective of rational choice theory, it is necessary to invoke to the definition of institutions by the rational choice institutionalism. Aside from governing the rules of the game by reducing uncertainty (Alt, 1996; 2002), institutions grant rewards and impose sanctions for compliance or non-compliance. Failure to comply is the same as to undermine a democratic system in order to annul its results (Przeworski 1991: 28). Democratic institutions are designed to sanction those unwilling to comply. This sanction, however, is only conditional, because if the sanction is what guarantees cooperation and equilibrium, then there would be no voluntary way out of PD. The way out of the dilemma would then be possible only by use of external force (as in the case of Germany and Japan after World War II), which calls into question one of the fundamental assumptions of rational choice theory-that democracy is an agreement guaranteed by agreeing parties, and not a contract (constitution) guaranteed by a third party which is not party to the agreement.

As I announced at the end of Section 2, it is possible to overcome PD in two cases. The first is the case of continuous iteration. It is illogical to expect that elections will be held only once. The holding of multiple electoral rounds could lead actors to realize that cooperation pays off better than defection. Let's assume that PARTY A rigged the elections several times, but that after ten years of such electoral practice PARTY B succeeded in ousting PARTY A from power by violent or peaceful means. (Let's say, PARTY A has miscalculated how much it should steal, so PARTY B "unexpectedly" won, thereby gaining the support of the media and army). The past has left its mark on PARTY B and now that party not only wants to take over power, but also to retaliate for the ten years of harassment. Now PARTY B cheats and harasses Party A - by electoral fraud, arrests of opposition political leaders, their prosecutions, misuse of public funds, etc. After a few rounds of mutual harassment, PARTY A comes into power and starts all over again. What does such a circulation of political elites tell us? Reciprocal gain from subversive action is followed by difficult years come when the one who first acted subversively has to suffer more severe consequences than those of a simple electoral defeat. Overall, all sides stand to lose, since non-cooperation (violation of the electoral process) reduces general benefit in the long run. If the outcome of every interaction is always as shown in BOX 4, it means that neither side can, in the long run, increase its benefit at the expense of the other. It has also been shown by an experiment: defection is possible only once; in the second round, the sucker from round 1 would respond by playing tit-for-tat, and reciprocal defection will be perpetuated (Axelrod 1984). Reciprocal defection would make actors realize

that they could get more from cooperation in the long run. Over time, the practice of trust that no one will abuse power would be created and trust would then bring actors into equilibrium: no one would have any reason to abuse power as long as there is no reason for the other to do so. In such a society, after a few decades, it would be possible to have a democratic political culture.

Cooperation resulting from iterated interaction and mutual trust create the view among actors that everyone has a chance of winning the next election. As already mentioned in Section 1, in stable democracies, democratic institutions are more powerful since compliance of actors guarantees greater security and certainty. "[Democratic] states emerge for different reasons, but must provide security; however, they collapse if they are not fair" (Gligorov 1994: 54). Democratic justice, i.e. the possibility for everyone to win elections, is a distinctive feature of democratic institutions, not necessarily present in other kind of social institutions.

How do democratic institutions enable this? Democracy is an institutionalised uncertainty, i.e. a system of decentralised strategic action in which knowledge is inevitably local. In an undemocratic system, by contrast, there is always an actor who knows exactly what will happen or there is always someone who knows what outcomes should be expected, that is, what the political elite or ruler want. In a democracy, such an actor does not exist (Przeworski 1991: 47). The absence of political monopoly is differentia specifica of democracy compared to all other models. It maintains the equilibrium, cooperation, trust and legitimacy of the system, and still enables rational behaviour of actors. Rationality is, on the other hand, absolutely capable of generating this kind of system. This means that "political actors comply with current defeats because they believe that the institutional framework governing democratic competition enables them to satisfy their interest in the future" (ibid.: 19).

We have seen that one way to get out of PD is to establish trust among actors. The same goes for democracy. Only trust here is called legitimacy. Trust-generating rationality (belief that the system offers everyone equal chances of winning) sets the foundations of legitimacy. Legitimacy in this context does not equal satisfaction with a regime. The term is broader: " legitimacy means that society as a whole believes the existing political institutions are the most appropriate, regardless of how it feels about the specific people who hold office at any given time" (Lipset & Lakin 2004: 210). Legitimacy resolves the problem of collective action by sending a signal to actors which make them conclude that non-cooperation does not pay off. If a regime is legitimate, then actors do not have to think about whether someone might decide to obliterate democratic institutions. In a legitimate democratic system, ubiquitous way of thinking is along these lines: "I do not need to prepare to rebel, because no other major actors are preparing to do so" (ibid: 213). This situation - in which no one has any reason to defect, provided that all others cooperate - expressed in the language of game theory and rational choice theory, is called equilibrium.

When do we have no reason to cooperate?

We have seen that there are cases where institutions may be self-enforcing and that rationality can generate democracy. But why does not democracy emerge everywhere? Why are there so few African or Asian countries with a democratic system? Why are we still talking about the consolidation of democracy and the uncertainty of democratic institutions over a decade after "democratic revolutions" took place Serbia, Georgia and Ukraine?

Overcoming the social (democratic) dilemma and emergence of democratic institutions is uncertain in two cases. The first relates to income levels. When actors have little to lose, they have no reason to obey rules and norms offered by democratic institutions. It is always more rational and cost-effective to maintain or come to power by force. In my opinion, this is the main reason which prevents the emergence of democracy from some kind of natural order which today exists, for instance, in the majority of African countries. Countries are poor, military force is not equilibrium and conditions for the consolidation of democratic institutions are thus contingent. Therefore, institutions may be endogenous, i.e. shape the behavior of actors, their strategies and preferences (Weingast 2002: 660; Weingast & Wittman 2006: 6), but this proposition is not universally defensible.

Another reason is so-called security dilemma. For institutions to produce compliance, the process of nation and state -building should be completed. In societies where the degree of economic welfare is sufficiently high, compliance with institutions is still not secured if the community has not solved the issue of national identity and state territory. Societies in which some aspect of national and state question is still disputable (territory, right to national self-determination, minorities, etc.) cannot consolidate democratic institutions. This because the process of nation-building, in situations where ideal conditions for security risk or danger to the nation are present, may run counter to building democratic institutions. This condition was first seriously considered by Linz and Stepan when they identified it as one of the independent variables which may affect the consolidation of democratic institutions. They wrote:

"Under what empirical conditions are the logics of state policies aimed at nation-building and the logics of state policies aimed at crafting democracy congruent? Conflicts between these different policies are reduced when empirically almost all the residents of a state identify with one subjective idea of the nation, and that nation is virtually contiguous with the state. These conditions are met only if there is no significant irredenta outside the state's boundaries, if there is only one nation existing (or awakened) in the state, and if there is low cultural diversity within the state. Virtually only in these circumstances can leaders of the government simultaneously pursue democratization policies and nation-state policies [...] That congruence empirically eliminates most stateness problems and thus should be considered supportive conditions for democratic consolidation. However, under

modern circumstances, very few states that are nondemocratic may begin a possible democratic transition" (Linz & Stepan 1996: 25).

Nationally heterogeneous societies in which the national question is not solved are societies in which the dominant type of rift is often opposed to building democratic institutions. Societies divided along the lines of identity content, dominated by the politics of symbols and faced with a security risk cannot consolidate democratic institutions before these issues are resolved (Pavlović and Antonić 2007). The security dilemma generates instability and perpetuates PD, as it prevents the achievement of equilibrium by perpetuating incentives for actors not to cooperate, as gains from non-cooperation are potentially higher than those of cooperation. The equilibrium of military power is again crucial here. Perils to the territory, nation and state necessarily monopolize military power in the hands of a political elite which then has no incentive to cede it to others. The causal chain, therefore, looks somewhat like this: threatened identity, territory (or both) creates an disequilibrium of military power by providing an incentive for one side to monopolize military force, using security dilemma as an excuse. Monopoly, in turn, allows that side to avoid cooperation (non-compliance with democratic procedures), because prospective long term gains from defection are higher.

Conclusion

The explanation of democratic consolidation lies in the right incentives (Weingast 2002: 679; 2004). If incentives for behavior are appropriate, actors will behave in a desirable way (as dictated by institutions). These incentives are: continuous reiteration of the prisoners' dilemma and the fairness of institutions. But all this may not be feasible if there are no adequate circumstances in which military power is either equilibrium or neutral, if socio-economic conditions are unfavorable and if a strong identity crisis, a disputed territory, or an open state issue are present in society. In such cases, the way out of the democratic dilemma is practically impossible without external influence.

Bibliography

Alt, J. E. & Alesina, A. (1996) "Political Economy: An Overview", in: Goodin R. E. & Klingeman H-D. (eds.) *A New Handbook of Political Science.* Oxford University Press, pp. 645-674.

Alt, J. E. (2002) "Comparative Political Economy: Credibility, Accountability, and Institutions", in: Katznelson, I. & Milner, H. V. (eds.) *Political Science: The State of the Discipline.* New York: W. W. Norton & Company, pp. 147-171.

Anderson, C. et al. (2005) *Losers' Consent: Elections and Democratic Legitimacy.* Oxford University Press.

Axelrod, R. (1984) *The Evolution of Cooperation.* London: Penguin Books.

Bunce, Valerie & Wolchik, Sharon (2011). *Defeating Authoritarian Leaders in Postcommunist Countries.* Cambridge: Cambridge University Press.

Diamond, L. (1999) *Developing Democracy.* The Johns Hopkins University Press.

Dimitrijević, N. (2008) *Ustavna demokratija shvaćena kontekstualno.* Beograd: Fabrika knjiga.

Landman, T. (2003) *Issues and Methods in Comparative Politics.* London: Routledge.

Linz, J. & Stepan, A. (1996) *Problems of Democratic Transition and Consolidation.* Baltimore: The John Hopkins University Press.

Lipset, S. M. & Lakin, J. M. (2004). *The Democratic Century.* Norman: University of Oklahoma Press.

March, J. G. & Olsen, J. P. (1984). "The New Institutionalism: Organizational Factors in Political Life". *The American Political Science Review*, 78(3): 734-749.

March, J. G. & Olsen, J. P. (1989) *Rediscovering Institutions.* The Free Press.

March, J. G. & Olsen, J. P. (2006) "Elaborating the 'New Institutionalism", in: Rhodes R. A. W., Binder S. A. & Rockman B. A. (eds.) *The Oxford Handbook of Political Institutions.* Oxford University Press, pp. 3-20.

Molnar, A. (2008) *Oproštaj od prosvetiteljske ideje ustavnotvorne skupštine?* Beograd: Fabrika knjiga.

Mueller, D. C. (1996) *Constitutional Democracy.* Oxford: Oxford University Press.

Elster, J., Offe, C. & Preuss, U. K. (1998) *Institutional Design in Post-Communist Societies.* Cambridge: Cambridge University Press.

Elster, J. (2007) *Explaining Social Behavior: More Nuts and Bolts.* Cambridge: Cambridge University Press.

Gligorov, V. (1994) *Why Do Countries Break Up? The Case of Yugoslavia.* Uppsala: Acta Universitatis Upsaliensis.

Hall, P. A. & Taylor R. C. R. (1996). "Political Science and the three new Institutionalisms". *Political Studies*, 44 (4): 936-957.

Hardin, R. 1989. "Why a Constitution?", in: Bernard Grofman and Donald Wittman (eds.) *The Federalist Papers and the New Institutionalism*, New York: Agathon Press, pp. 100-120.

Olson, M. (1965) *The Logic of Collective Action.* Cambridge, MA: Harvard University Press.

Pavlović, D. (2006) "Kakva vrsta ravnoteže je neophodna za demokratiju?", in: Pavlović, Vukašin (ed.) *Političke institucije i demokratija.* Beograd: Fakultet političkih nauka, pp. 57-76.

Pavlović, D. & Antonić, S. (2007) *Konsolidacija demokratskih ustanova u Srbiji posle 2000.* Beograd: Službeni glasnik.

Peters, G. (2005) *Institutional Theory in Political Science: The New Institutionalism.* New York: Continuum.

Peters, G. & Pierre, J. (2007) *Institutionalism. Vol. 1-4.* New Delhi : SAGE Publications.

Poundstone, W. (1992) *Prisoner's Dilemma.* New York: Anchor Books.

Przeworski, A. (2005) "Democracy as an Equilibrium".*Public Choice,* 123: 53-273.

Przeworski, A. (2004) "Institutions Matter?". *Government and Opposition*, 39(2): 527-540.

Prezeworski, A. *et al.* (2000) *Democracy and Development.* New York: Cambridge University Press.

Przeworski, A. (1991) *Democracy and the Markets.* New York: Cambridge University Press.

Rhodes R. A. W., Binder S. A. & Rockman B. A. (eds.) (2006) *The Oxford Handbook of Political Institutions.* Oxford University Press.

Schneider, C. Q. & Schmitter, P. C. (2004) "Liberalization, Transition and Consolidation: Measuring the Components of Consolidation". *Democratization*, 11(5): 59-90.

Schedler, A. (2001) "Measuring Democratic Consolidation". *Studies of Comparative International Development*, 36(1): 66-92.

Steinmo, S. (2001) "New Institutionalism", in: Clarke, Barry & Foweraker, Joe (eds.) *Encyclopedia of Democratic Thought,* 570-574.

Taylor, M. (1987) *The Possibility of Cooperation.* Cambridge: Cambridge University Press.

Thelen, K. (1999) "Historical Institutionalism in Comparative Perspective". *Annual Review of Political Science*, 2: 369-404.

Weale, A. (2004) "Politics as Collective Choice", in: Leftwich, A. (ed.) (2004). *What is Politics?* Cambridge: Polity Press, pp. 86-99.

Waingast, B. W. (1996) "Political Institutions: Rational Choice Perspectives", in: Goodin R. E. & Klingeman H-D. (eds.) *A New Handbook of Political Science.* Oxford University Press, pp. 167-190.

Weingast, B. (2002) "Rational Choice Institutionalism", in: Katznelson, I. & Milner, H. V. (eds.) *Political Science: The State of the Discipline.* New York: W. W. Norton & Company, pp. 660-692.

Weingast, B. (2004) "Constructing Self-Enforcing Democracy in Spain", in: Morris, Irwin *et al.* (eds.) *Politics from Anarchy to Democracy: Rational Choice in Political Science.* Stanford University Press, pp. 161-195.

Weingast, B. & Wittman, D. A. (2006) "The Reach of Political Economy", in: Weingast, B. & Wittman, D. A. (eds.) *The Oxford Handbook of Political Economy.* Oxford University Press, pp. 3-25.

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Moving Conceptual Limits of Civil Disobedience: The Case of Serbia

Abstract

Based on comparative analysis of dominant contemporary conceptions of civil disobedience, it is concluded that all of them, to a lesser or greater extent, stay within the Rawlsian theoretical matrix, with a quite rigid schematics of conditions requisite for implementation and justification of this type of political practice. It is about a mainly system- related approach, in which a strictly determined institutional framework, represented in a developed and already consolidated democracy, is presented as a limiting and only possible contextual framework for the use of civil disobedience. The author emphasizes that the institutional framework is certainly a desirable, although not a necessary condition. For experience shows that this type of practice is possible not only in the circumstances of a developed and stable system of democratic institutions, but also in those of the minimal, electoral democracy, and under quasi-democratic conditions, the best example for which is the case of Serbia, that is analysed here. In addition, there are also cases of contemporary protest movements that carry out their actions of nonviolent resistance under conditions of a developed democracy, but direct them against its existing liberal form and/or do not base them on the Rawlsian justice principle, thus surpassing the dominant conceptual framework. The author, in fact, wants to indicate that this concept forms a theoretical model too abstract, exclusive and narrow that, as an expression of a purely scholastic standpoint, does not correspond either to historical or contemporary empirical practice, and as such even makes the very notion of civil disobedience completely senseless. As a result, the significance of different interpretation of the context necessary for this type of civil action is underlined, the one where accent would not be only on the required institutional, but also certain political culture framework, too. It suggests a correction of the systemic-institutional approach, first and foremost in the sense of lowering its too high demands, and then its supplementation with a complementary normative approach that would emphasize the importance of participatory political culture with a system of liberal-democratic values and advanced civic virtues (so-called civic culture approach). By that a necessarry flexibility of the concept of civil disobedience would be achieved, one that would approximate it more to the social and political reality, but also enable its far larger theoretical-analytical and practical-political applicability.

Key words: Civil disobedience, the contemporary concept, civic political culture, political obligation, democratic constitutional state, quasi-democratic order, the case of Serbia, legitimacy, legality, legal injustice.

Although the question of the legitimacy of political power is a very old one, and crisis of political legitimacy has been an almost chronic occurrence throughout history, only with the development of contemporary democratic theory and practice the modern society, with a liberal-representative system of a responsible government that demands not pure passive obedience but citizens' consent and their political participation, has become aware of this crisis and its consequences, as well as the need for its overcoming in the manner not threatening to democratic achievements of the civilizational development. Civil disobedience is exactly the specific instrument or the strategy of civil action that can play a significant role in it. Namely, it is a type of political practice that, as an element of civic political culture, represents a significant democratic achievement itself. The development of a modern concept and practice of civil disobedience also signified the development of civic self-confidence, i.e. citizens' awareness of their own political subjectivity that enables them to act not only as holders and realizers, but also, if necessary, as defenders of their own human and civil rights.

It was, therefore, necessary to meet certain theoretical and empirical conditions in order for the modern idea of civil disobedience to develop in the form known today. It actually took a form of a concept *sui generis,* i.e. a typical modern form of disobedience that exists today parallely with some other concepts of disobedience that have further evolved from the historical forms of obedience or loyalty refusal to established authorities and their decisions, such as an early Christian tradition of disobedience for reason of conscience and the right to resistance against tyranny.[1] Civil disobedience, although partially an heir to these older traditions, nevertheless surpasses their frameworks in its conceptual conditions and elements, primarily because it "appears under completely new historical and political conditions and is a subject to a different kind of justification" (Spasić, 2004: 41). In addition to that, there are opinions, like the one presented by Aleksandar Molnar, that civil disobedience is rooted primarily in ancient conceptions of so-called Socratic heritage, then partially in early Christian tradition of disobedience for reason of conscience, but not at all in the right to resistance against tyranny, for their histories are significantly different.

It is very important to emphasize that the insistence on making a strict distinction between older forms of disobedience, as well as the distinction between these forms and civil disobedience, is only a feature of modern, especially contemporary political theory. For instance, Ralf Dreier indicates that a consistent distinction between the right to resistance and civil disobedience was made only with the development of the institutions of a democratic constitutional state, and we add with the parallel development of democratic theory itself, in any case it means only in the 19th and 20th century. In addition to that, there was a tendency among some political and

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1   These historical forms of renouncing obedience to political authorities and their decisions, i.e. their orders or bans, and also ancient conceptions, as forms of disobedience that preceded the modern concept and practice of civil disobedience, we considered in detail in previous papers. See: (Mirović, 2009b: 1-26) and (Mirović, 2009c: 11-44). More on the issues see also: (Molnar, 2001); (Molnar, 2002: 230-231); (Ibidem: 363-390); (Spasić, 2004: 41-44); (Stanovčić, 2003: 24-25); (Ibidem: 32-38); (Stanovčić, 1992: 43-88); and (Neumann, 1974: 170-174).

law theorists to equate and synonymously use these terms denoting two, essentially different forms of resistance to the authorities, i.e. their decisions. On the other hand, the distinction between the conscientious objection and civil disobedience is a very contemporary one, characteristic only to the legal and political theory from the second half of the 20th century; special merits for its conceptualization go to very influential theorists of today, such as John Rawls, the aforesaid Dreier and even Hannah Arendt (although she was not of the opinion from the beginning),[2] while among the domestic authors we would single out A. Molnar.

It can be said that the democratic constitutional state, along all its regular institutional mechanisms, also has two degrees or levels of extra-institutional protection, and that different means available to people for defending their rights and principles of democracy corresponding to them. Civil disobedience and so-called the aid to the state in danger belong to those informal protective mechanisms; in that sense, civil disobedience would be the first protective level related to the regular functioning of a democratic constitutional order, whereas the aid to the state in danger would be supplementary instrument at the second level of protection, related to a state of emergency in the broader sense [3] when functioning of this order is endangered by anti-constitutional forces and the danger of establishing a tyrannical government exists, allowing the pro-constitutional oriented individuals to resist such forces, if it is necessary, with weapons also. It means that only if these protective mechanisms had error or failed and there was porousness of the very institutional obstacles, the establishment of tyranny would be possible, and along with it, activation and use of natural right to active (armed) resistance to it. The right to resist tyranny - which still exists, contrary to wide belief that it is abolished in democratic societies of today, just it is not legally positivised but remains an unpositivised natural right, as it has in its essence ever been (although there are also exceptions)[4] - is treated as the final instrument to use only in the case of definitive forming or real existence of a tyrannical government, so the democratic constitutional system can be (re)established. Although providing "the aid to the state in danger" is

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2 At first this author viewed civil disobedience in a broader, traditional sense that makes it equal to the conscientious objection as an individual act, and as such distinguished it from "confrontation" as a collective act, i.e. "act in concert" (Hannah Arendt, "Discussion". Alexander Klein /ed./, *Dissent, Power, Confrontation*, McGraw-Hill Book Company, New York, 1971, p. 25; cited by Molnar, 2002: 261). When she subsequently accepted the existing distinction between civil disobedience and the conscientious objection, she kept the same criterion of distinction (collective acting, joint opinion/individual acting, private opinion), but it was now in the function of demarcating these two types of disobedience (see: Arendt, 1972: 87).

3 Here we talk about state of emetgency in the broader sense, for it does not mean only its formal proclaiming procedure; keep in mind that individuals who want to defend endangered democratic order cannot be led by formal criteria because of the possible misuse by the organ authorised for proclamation of such state, and that they have to decide on their own if the existing state can be considered the one of emergency, i.e. the one that requires "aiding the state in danger". Thus the "unique democratization of the right to proclaim state of emergency was performed, with the final decision on justification of using the institute is shifted to the judicial domain (that will act only upon removing the danger to the constitutional order)" (Molnar, 2002: 326).

4 For example, by the Constitution of the former GDR, but also today by current Constitutions of some West German states, as the one of the state of Hessen, the right to resistance is included in the Constitutional Law, thus being positivised.

still a specifically German constitutional law norm (regulated by Art. 20, Par. 4 of the Basic Law for the Federal Republic of Germany), the starting point here is Molnar's concept of a democratic constitutional state, according to which a state of emergency (in the broader sense), and application of this institute related to it, is an "in-between" state generally positioned between regular functioning of a democratic constitutional system and establishment of tyranny.[5]

In a democratic society, power cannot be based on an *a priori* secured and lasting legitimacy, or a so-called self-legitimization. A permanent and continuous process of its legitimization is needed, as a two way process conducted from above as well as from below. Otherwise, in the absence or failure of such a legitimization process, a crisis of legitimacy arises and, in case of serious deficiency of this authority attribute, it can cause a situation where not only is the cessation of political obligation of citizens to obedience possible, but then disobedience is their civic duty (Mirović, 2010a: 109-132). It results from the fact that political obligation of citizens to the government has to be proportional to the degree of its legitimacy. This opinion has formed as a consequence of a developing critical awareness on nature of political obligation that can only be two-sided, that is relative and conditional[6], as well as on grounds for the legitimacy of political authority and its decisions, that cannot be related only to the principle of legality, but also to some qualitative conditions and standards. Legality in its formalistic sense of positive laws could be a basis for the legitimacy of authority only if previous legitimacy of legality exists. In other words, "the legitimacy of legality" (Dyzenhaus, 1996) is necessary as a *conditio sine qua non* of the political authority legitimization by law.

Although many contemporary theorists have tried to determine the precise criterion for the legitimacy of political authority and its decisions, i.e. a reliable and clear ground for justified civil disobedience, and even some of them - like Dreier and Molnar - consider only its grounds in positive law as possible (in the form of human rights as positivised natural rights), there is still no agreement in theory on these legitimating basis and criteria. It basically also means that the question at what point or degree a legitimacy crisis requires the termination of political (also legal and moral) obligation of citizens to obedience remains open. In addition to this one, there are such views that there are not only difficulties in formulating unique and universal grounds for political obligation, but it is impossible due to cultural diversity of contemporary societies. For example, Bhikhu Parekh criticizes, from the viewpoint of multiculturalism, contemporary "monoculturally oriented theories" of political obligation (actually having in mind Rawls' theory of justice) that in the tradition of those old philosophies start from the wrong hypothesis of

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5 More on this Molnar's concept of the democratic constitutional state within which he developed his view on civil disobedience and "aiding a state in danger" as unique forms of practicing "conservative constitutional authority", see: Mirović, 2010b: 13-17.

6 On necessity of such viewing nature of citizens' political obligation to obedience, see: Stanovčić, 2001: 255-296.

a culturally homogenous society and formulate certain explanatory and normative principles with the aspiration that they would apply universaly to all members of a given society and people in general. In his opinion, previously any such principle represented as a ground for political obligations (for example consent, justice, common good, etc.) could really have reliable application and effect with relatively similar moral power for most members of a society. However, today it is not a case anymore due to significant cultural diversities of modern societies whose members define ground for their political obligations differently, in regards to core values of their cultural tradition. Thus this author concludes: "A well-considered theory of political obligation, as well as of legitimacy and authority, will necessarily be thin and formal, leaving sufficient moral spaces to fill it differently in different moral traditions" (Parekh, 1996: 503-518). Franz Neumann once went even futher in his skepticism about capacities of theory to produce a generally applicable formula of the legitimating political authority. He presented a viewpoint stating that the ground for liberation from political obligation is not a matter of law or theory, but conscience; that "everyone has to solve the problem on his own", and "if theory ascribes that ability to itself, it just repeats empty, abstract formulas" (Neumann, 1974: 179).[7] However, even with existing difficulties that we tried to accentuate, we consider that with using a method of analytical testing (examining) certain areas, i.e. the groups of factors, that surely need to become part of the legitimating basis of authority, it is possible to achieve great efficiency in determining (non)existence of a property of legitimacy or its deficiency in a particular political authority. To these areas of legitimacy that have to be the object of critical examination, both separately and in their cumulative effect, belong: values and goals proclaimed, propagandized and promised by the government; instruments used for achieving them; and consequences and results of government actions and application of certain instruments.[8] Thereby the border could be determined where political obligation of citizens to obedience ends, and where not only their natural right but also their natural duty to civil disobedience are actualized and begin to implement. In other words, if the existence of the quality of legitimacy would be denied to a government (or a law, political measure, decision, even the whole political system), based on such a test, to politically (self-)aware citizens with the advanced civic political culture and a strong completely developed moral, autonomous and intellectual personality, it would be more than a clear sign that such government is not deserving of their appreciation and obedience.[9]

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7   However, this author who clearly belongs to the tradition not distinguishing the conscientious objection and civil disobedience, equating the latter greatly to the right to resistance, risked nevertheless and tried to draw some minimal theoretical principles of the legitimacy of a political authority. More about it see: Mirović, 2010a: 126.

8   It is a method of testing political legitimacy as suggested by Vojislav Stanovčić. We consider that, by introducing such an analytical method, this big Serbian theorist, professor and academician, who devoted a lot of time in his research to that, by his opinion, key political issue, developed one of the most complete conceptions on ground for legitimisation of political authority, giving his scientific contribution to the international political science. See: Stanovčić, 1992: 94-96.

9   On relation between civil disobedience and civic political culture see: Mirović, 2010c: 1-20.

Applying this civil strategy of political action, if successful, should result in overcoming legitimacy crisis which, as a crisis of the very political authority, represents the deepest political crisis possible. In that manner elimination of legitimization deficit can be achieved by returning the political government in a legitimate, democratic constitutional framework or instead by improving and consolidating democracy if it has not existed in a more developed form. It means that, along with securing normal functioning of a democratic constitutional state, and therefore its preservance, civil disobedience can contribute to its stabilisation and further improvement, even its establishing. Thus contrary to dominant views, civil disobedience does not only have a protective-defensive and conservative, but also an inovative-dynamic and projecting role in the development of a democratic legal and political system, that is, socio-political development in general.

According to the contemporary concept, in its dominant version, the term civil disobedience implies a public, in principle illegal but nonviolent political action of citizens, directed against certain laws or decisions brought by the government in a democratic constitutional system or, more precise, a system with a liberal-representative democracy, without questioning the constitutional arrangements and calling solely to justice, very specifically determined. It is based on prevailing views of today that originate from Rawls's dogmatic theoretical matrix and its very rigid schematics of conditions required for justification and application possibility of this type of political practice. John Rawls developed this concept with strictly formulated conditions and limits of justified civil disobedience within his general theory of justice (Rawls, 1998: 305-347), and it was taken by many, even authors belonging to different theoretical positions, like Jürgen Habermas that accepted it to a greater extent. As a result, their theories of civil disobedience are even cumulatively called "Rawls-Habermas conception". However, Rawls's conception of civil disobedience is, in fact, integral part of his theory of political legitimacy, and could hardly be properly understood without it. It can be said to a certain degree that he found inspiration for the conceptualising his theory in a deep turbulence that was shaking American society during the 1950s and 1960s, main social protagonists of which were these protest movements - like the Civil rights movement, anti-war and student movements against the Vietnam War - challenging existing laws and policy, and also American establishment in general, even institutions of the society. Therefore the theory represents a reflection of Rawls's attempt "to constitute a way of justification, but also of criticizing fundamental institutions in American society, acceptable to everyone" (Matan, 2008: 61).

Thus, the possibility of implementing civil disobedience as a specific strategy of political action is here associated to a strictly determined systemic-institutional framework, where an already built democratic constitutional system is presented as the only possible context and basic condition for its use, as the one that is close to the "circumstances of justice" (Rawls) or characterised by "a constitutional state remaining wholly intact" (Habermas), and thereby civil disobedience is outlined exclusively as a "continuation of a democratic policy" (R. Barker). Furthermore, additional

conditions for its justification are presented and, along with the also systemic one dictating that this kind of action cannot question the existing order, but only single legal and political acts, the most significant is one relating to the character and content of the justice to which disobedient citizens can refer. Although Rawls's view that these acts are justified only in cases of greater injustice is generally accepted (and he determined them primarily as a violation of what he called the first and the second principle of justice, i.e. violating equality of freedom and equality of opportunity), regarding justice itself as a founding principle, there are certain discrepancies in the viewpoints, but finally they all come down to Rawlsian insistence on constitutional political principles as its content. However, it is important to underline that Habermas, albeit starting from this matrix and without neglecting that institutional framework of a democratic constitutional state, by not accepting Rawls's view of the "public conception of justice"[10] in congruence with his own discursive theory of democracy, and by emphasizing civil disobedience as an element of a developed, i.e. participatory or, as he forms it, "mature" political culture (Habermas, 1989: 54), in a way leaves the Rawlsian point of view and extends it with a political culture context. Our opinion is that it makes his conception more susceptible a propos contemporary protest movements and their acts of disobedience.

Nowadays the most reliable legitimization principles, that would also form the content of justice which civil disobedients can refer to, are the principles of human and civil rights and liberties, including the basic right to life, even though according to some prevailing opinions it cannot be an object of civil disobedience.[11] Here we would want to point out that when speaking of those nonviolent acts of disobedience carried out under democratic institutional circumstances but are right directed against them, or are not based on the principle of justice in the Rawlsian sense, there are no valid reasons why they should not be treated as examples of civil disobedience. Primarily we mean those civil demands and protest actions generated in a wide civic area to which various contemporary or so-called alternative social movements (ecological, feminist, anti-globalistic, anti-abortion, etc.) belong, and from where the most radical criticisms[12] are today pointed towards "Rawls-Habermas" conception of civil disobedience, although, to be fair, it has also been criticized before, regarding all

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10 According to Habermas's model of discursive democracy, not only political but also legal and procedural issues can and have to be the object of argumentative communicative action in discursive processes of creating political will (see: Mirović, 2009a: 45-84). Thus he does not accept Rawls's view of the "public conception of justice" as an a priori predetermined and completed concept agreed upon once and for all in a constitutional democracy, never again to be reconsidered, revised and adapted, that is the one that could never be the object of civil disobedience itself. Namely, Habermas would probably concur with an attitude that instead of the "public conception of justice", it is more important and acceptable Rawls's notion of "sense of justice", in terms of human readiness to act fairly, meaning reciprocally (Sabl, 2001: 307-330).

11 Thus Molnar estimates that this new form of disobedience used with a referral to an endangerment of life as core values, cannot be considered civil disobedience or the right to resist tyranny in a strict sense, but that is closer to the latter, even treating it as one of its forms. He insists that the essence of this concept, in its radical variant at least, is Thomas Hobbes's logics of the right to resistance leading to civil war and basing on the right to self-preservation, rooted in Martin Luther's teachings. See: Molnar, 2002: 358-360.

12 For instance, such criticism of the conception, that is also a very comprehensive one, was presented by Jennifer Welchman (Welchman, 2001: 97-107).

of its key characteristics. An important part of the criticism starts from the view that big technological changes in the contemporary world brought humanity to a whole new existential situation where its survival is endangered. Hence there is a necessity for different policy, but also for different basis of civil actions in resisting existing policy, since under such conditions civil resistance cannot longer lie only on values like justice, but has to be based on value of the life itself. Thus representatives of this concept, among who many also have practical and activist experience, intercede for disobedience actions to be carried out with referring to lives in jeopardy, whether one's own or all in the world, and with the aim of developing the "ability to learn" (H. Kleger)[13] with the democratic majority, in fact the democratic constitutional state itself. It is a moderate variant of the concept of so-called new disobedience, where even the term is used to emphasize the difference in relation to the essentially "loyalistic" civil disobedience.

Now, the controversial issue remains: why would the key human right such as the right to life be excluded as a reliable founding principle of civil disobedience practice, when today this status is given to all other human rights. Certainly, an expected explanation given by some representatives of this viewpoint would be that the reason lies in its fundamental character: if the right and life itself are in danger, there can be no talk of a democratic government, but only of tyrannical, and under such circumstances the only applicable natural right is the one to (armed) resistance. However, we consider these arguments untenable today when really the existing threats to a human life coming from different sides take previously fantastic proportions. Although, namely, actual political authorities of a democratic constitutional state are not necessarily the only or directly responsible for endangering lives (albeit sometimes authorities need to be held responsible for a non-action), and they often are not but it is a result of different globalization processes and increased accompanying interdependence of contemporary societies, the tactics of refusing obedience to them with referring to the value of life, that is carried out by members of ecological, anti-missile, anti-nuclear and other movements in their nonviolent protest actions, is the use of civil disobedience. Therefore, its practitioners must have the same treatment by authorities as "loyalistic" disobedients.

Nevertheless, basic human rights are a part of the legitimization ground for authorities and their decisions regardless whether they are constitutionally recognized and legally positivised, especially since today they are codified in international law, and as such are treated as positivised natural rights. Subsequently, the goal of protection by the use of civil disobedience can be not only constitutional, but also the international law provisions on human rights and freedoms.

Further, contrary to Rawlsian view, constitutional political principles, i.e. principles of an existing constitutional order even in its developed democratic form, should be able to be the object and legitimate area of the using civil disobedience.

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13 Heinz Kleger, *Der neue Ungehorsam. Widerstände und politische Verpflichtung in einer lernfahigen Demokratie*, Campus, Frankfurt am Main, New York, 1993, p. 87; cited by Molnar, 2002: 361.

This viewpoint is necessary if we accept the critical-rationalistic way of thinking and relating to social and political reality, which implies that law and politics, as well as legal and political systems, are two very revisionist categories liable to constant adjustment by means of their revision and innovation. Otherwise, as Roland Bleiker points out, civil disobedience as an instrument of political struggle turns into an instrument of apparent challenging of illegitimate policies and political structures, i.e. into a means of firming the existing liberal system, along with practical suppression of a systemic alternative possibility (Bleiker, 2002: 37-40). The contemporary concept, however, in addition to setting a democratic constitutional system as a limiting framework of the object and area of the legitimate using civil disobedience, takes such systemic-institutional framework as the only context within which this type of political practice is possible. In this way, civil disobedience is seen mainly from the perspective of a necessary and limiting institutional context, the result of which is excluding a large number of important historical and contemporary cases as examples for carrying out this type of civil action. It has caused a big gap existing today between dominant conceptions of civil disobedience and social reality, and such aberration of theory from sociopolitical practice is unacceptable.

These prevailing views form a too abstract, exclusive and narrow theoretical model, as an expression of a purely scholastic standpoint not corresponding neither to historical nor contemporary empirical practice. By narrowing down conditions, role and legitimate area of use of civil disobedience, the background of applying this means of political struggle is distorted and does not provide adequate and satisfactory theoretical framework for its understanding. Also, theoretical-analytical and practical-political usability of the concept are reduced. Finally, this approach makes the very notion of civil disobedience senseless.

Empirical practice, besides refuting the aspect of the contemporary concept regarding the content of justice as the founding principal of civil disobedience, also shows that the use of this strategy is possible in societies, which are not characterized by the systemic-institutional framework explicitly demanded in this concept. This experience, namely, implies that the practice of civil disobedience is possible not only in the conditions of the developed system of democratic institutions, therefore, in the existence of the consolidated and stable constitutional democracy. It is also possible in the conditions of the minimal, electoral democracy (which is, in our view, still only one form of semi-democracy), and also in the quasi-democratic conditions, for which the best example is the here- highlighted case of Serbia. Not only that, certain contemporary experiences, like the ones which some Eastern European socialist societies at the end of the eighties of the 20th century went through, already confirmed that this political practice, under certain circumstances is possible even in the non-deomcratic conditions; there where no institutional minimum of democratization exists, which again, we are trying to postulate here as though one of the necessary factors of the contextual framework of this practice. However, in these cases, we are discussing, as we have emphasized, specific circumstances. They are expressed in the fact that the non-democratic order there had already collapsed

(the so-called implosion of socialistic system) and was dying and also in the fact that liberalization in most of those societies came from above, carried out by the representatives of that regime, practicing what John Keane called "the politics of retreat" from the government (Keane, 2003: 60).[14] Hence, paradoxically, the same non-democratic rulers encouraged the development of local civil societies and the strengthening their protest capacities. That is why we give our attention primarely to the case of Serbia, as one of those examples that was characterised by a different systemic-situational context. There, inspite of the initial democratic pseudo-morphosis of the political system, no politics of retreat from the government by the forces of the old regime occured. Therefore, the application of the civil strategies of democratic changes, among them civil disobediance, not only wasn't encouraged or made easier from above, but exactly from that direction everything was done to limit these civil actions and postpone the enforcement of the substantial democratic changes.

Although it breaks the scope of the prevailing theoretic conceptions, civil antiregime protests during the last dacade of the previous century in Serbia, as well as during events from the 5th October 2000, unequivocally represent an example of the successful use of civil disobediance also in the conditions of the existing certain quasi-democratic order, even when this hybrid regime[15] entered the phase of its decline, with the strenghtening of the authoritarian tendencies.[16] The case of Serbia shows that acting through the use of this evolutionary and reformatory strategy, with all the characteristics which it has per deffinitionem, can be directed not only against the will of the majority that stand behind certain laws and political decisions, that is behind the ones who made them, but also against the (self-)will of the political government that, exactly by ignoring the will of the majority in the society, lost its legitimacy.

There are many reasons why 5th October protest actions of Serbian citizens are, after all, important examples of civil disobedience practice, regardless of the absence of the strictly defined institutional condition. However, one of the key reasons for that, in our opinion, is the fact that Martin Luther King's tactic of

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14 See also: Keane, 1990: 340-352; and Mirović, 2005: 937-956.

15 We rely on Larry Diamond' typology when defining Milosevician regime as a quasi-democratic hybrid regime. Firstly, he placed pseudo-democracy in the *genus* of the authoritarian orders, defining it as "more liberal form of authoritarian regime" (see: Diamond, 1996); In his later works (*Developing Democracy,* 1999; and "Thinking about hybrid regimes", *Journal of Democracy,* 2002), he singled it out as a special, hybrid type of order that is between authoritarianism and electoral democracy, combining the characteristics of both, but not belonging to any kind.

16 The important fact, which is sometimes, deliberately or not, overlooked, is that there were two phases which characterized a political order in Serbia during the last decade of the XX century: One involved the period from 1990 until 1996/1998 and the other one, which started in 1996 but was fully profiled in 1998, when the so-called red-black coalition was formed at the Republic level. It included the Socialist party of Serbia (SPS), the Serbian Radical Party (SRS) and the Yugoslav United Left (JUL). The establishment resorted to make a series of repressive laws and measures in that period. The second phase lasted until the fall of Milosevic on 5th October 2000, i.e. until the pre-term republic parliamentary elections on 23. December of the same year. Therefore, it is clear that the balance of the pseudo-democratic hybrid regime could not last long, so a certain involutive transformation in the political establishment's behavior happened. However, in our opinion, even the claim that these two phases simultaneously were two different types of political order is disputable.

reversing legalistic argument against the rulers themselves was used then. This tactic represents a tactic typical of civil disobedience. In other words, this tactic, which implies that the arranged demands are founded on the constitutional principles and positive norms of the legal system, is connected with the case of the African-American Civil Rights Movement figuring in literature as the "purest" historical example of such political practice. King, in contrast to, for example, M. K. Gandhi and his struggle against the whole British colonial system of government in India[17], did not question American legal and political system on the whole, nor did he aspire to establish some new state. The aim of what he and his Movement did consisted of appealing to the original constitutional principles, i.e. constitutionally positivised and regulated basic rights of a human being, which represented nothing more but their protection. Thus, King directed this protest movement against individual legal acts and political practice of the government which were unconstitutional. Civil disobedience, first of all in the form of massive nonviolent protests[18], was used as a means of drawing attention of the American public to the existing legal injustice and obtaining its support to make the necessary pressure on the governmental bodies.

This is exactly what the participants of the massive protests in Serbia did. They did not demand the formation of some completely new constitutional system, but defended the constitutionally guaranteed right of vote and other existing constitutional rights and principles, as well as the formally established democratic basis of the political authority legitimatization based on them. As Rawls would say, the "public concept of justice" and sense of the same with majority of citizens were not in collision with the constitutional principles and positive - legal norms, but first of all with the behavior of the rulers of that period (with the way of ruling) which was distinguished by their violation. There was a clash between constitutional norms and political reality, and an effort to eliminate it through forcing the political authority, which caused it, to accept the electoral defeat and enable normal functioning of the constitutional system. Consequently, tendency to carry out political discontinuity was not followed, at least not by the majority of the participants, by the tendency for the constitutionally legal discontinuity. On the opposite, protests were directed towards forcing recognition and respect of legality itself. Accordingly, in this context, these civil actions of resistance had protective and defensive role in regard to the formal constitutional system in FR Yugoslavia, i.e. Serbia, just as it was the case with other "genuine" examples of civil disobedience. This fact - to characterize the events from 5th October as

17 However, besides some disputation of Gandhi's theory as a theory of civil disobedience, we can say that he, perhaps, contributed mostly to the popularization of this civil strategy in the contemporary world. For the look on Gandhi's way of fighting for *swaraj* (independence) of India, see (Gandhi, 1966) and (Gandhi, 1970).
18 It should be emphasized that this great pacifist and fighter for civil rights of blacks had many difficulties in his efforts to preserve a nonviolent character of Black Power movement, due to the existence of the strong militant fraction within it. As King himself noticed, one of the great paradoxes of the Movement was that it constantly insisted not to imitate the values of the white society while, on the other hand, "in advocating violence it is imitating the worst, the most brutal and the most uncivilized value of American life" (King, 1968: 64).

protective elements, i.e. what Molnar calls exercising "conservative constitutive power" - shows not only that these were indeed the acts of civil disobedience, but also that it is not correct to call them revolution, as it is very often done.[19]

In order to give emphasis to the importance of the change that happened (the change of regime) and the ones that were expected (structural reform of the society) and consequently accentuate the revolutionary aspect of the overall changes, the events from 5th October are often mentioned in the literature and practice as an "overthrow" or "revolution". Moreover, sometimes they are characterized even with the notion of putsch. However, in our opinion, the terms like "civil" or "moral rebellion" are more appropriate, since they point out to the role of civil public and the shown potential and strength of the civil society. Not only that the preservation of the constitutional continuity in the immediate period after these events states that it is wrong to characterize them with the term revolution, but also their mainly nonviolent nature itself implies it.

The force had crucial influence on the direction of the development of events, hence affecting their outcome. However, it was not the applied force that was in question, no one in the form of factual violence, which was really limited and mostly controlled. As Vladimir Goati states, a potential force had crucial influence. It remained in the latent form and was reflected exactly in the mass of demonstrators and their manifested readiness to resort to violence as an answer to the possible use of force by the authorities. Extending a certain "initial violent challenge" to the regime (Stojanović, 2001: 24), citizens demonstrated that this time they would not unconditionally and at all costs adhere to the method of nonviolence. They showed their determination and decisiveness to fight, if necessary, with all means for the recognition of their electoral will. Hence, this great potential power of active citizenship was actually the factor of averting armed apparatus from following and enforcement the orders of the political establishment to suppress the demonstrations violently, which would, with a high degree of probability, lead to a civil war. Because of it, police members recoiled and, canceling also the obedience to the ruling regime, stepped over to the citizens' side. Since the scenario of putting up active, that is real (or armed) resistance to the regime was not realized, 5th October protests remained at the level of the civil (mostly peaceful) fight for the protection of the existing constitutional order, which the political establishment of that time itself jeopardized (so-called the usurpation of legality) by its way of ruling. This is what gives us the right to treat these protest actions of Serbian citizens as the acts of civil disobedience. Especially bearing in mind the minimal use of violence in the October political turnabout, many theorists and analysts are apt to characterize it as "peaceful" or "soft revolution". However, this essentially contradictory term, which is widely used since Prague "velvet revolution" in 1989, "implies that an order broke up under the strokes of peaceful popular outcry (emphasis added - A. M.), with the government failing to launch the last armed struggle" (Antonić, 2001: 35). In other words, the

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19   Spasić also calls attention specifically to that, 2004: 74.

term "peaceful revolution" today implies neither more nor less than what Henry D. Thoreau defined with it yet in the middle of the 19th century, which was putting (moral) pressure on the government through canceling civil obedience.[20]

Although it also emphasizes the significance of some other factors, which were not in the focus of our attention here,[21] it is certain that democratic changes would be achieved with great difficulties without massive civil activism and mostly nonviolent resistance to the regime, which then lost its already questionable legitimacy formally, through the elections. The use of civil disobedience as a means of political struggle in the conditions of one hybrid systemic-institutional context, which the Serbian society of that time was in, was possible above all because the actors of the forming civil society had a sufficiently developed critical awareness of the nature of their political obligation to obey, as well as a sufficient level of civic virtue of courage to stop carrying it out. Serbian citizens acquired these and some other important civic virtues, like mutual solidarity and cooperation, greatly owing to their veteran experience in the many years of resisting, and somewhat adjusting to the ruling regime of Milosevic.[22] This is the exact reason why our fundamental finding says that systemic-institutional context represents only a certain scope of peoples' behavior, while also social norms, i.e. values and orientations of the political culture influence their political acting, even crucially.

Because of all the mentioned shortcomings and deficiencies of the dominant theoretic concept of civil disobedience, it is necessary to redefine it in some key aspects. This implies certain corrections, above all, in its part which regards necessary contextual framework of this practice and also in regard to the previously mentioned definition of its justification basis, i.e. limits of political obligation. For redefining contextual framework of civil disobedience, we find that, first of all, it is necessary to mitigate or "soften" the systemic approach itself so that the needed democratic-institutional conditions would boil down to a necessary minimum, instead of the present high demand for the existence of already established and "on the whole intact" democratic constitutional state. This necessary institutional minimum would demand the existence of at least partial institutionalization of democracy and human and civil rights and freedoms, which would enable: 1. the existence of civil society, at least in its rudimentary form, and certain needed space for its relatively autonomous acting and self-defense; and 2. democratic legitimization of government and political system, or at least caring about it. The corrected systemic-institutional approach should then be supplemented by some complementary approach, which would

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20 This author, who is considered to be the founder of the modern concept of civil disobedience, while discussing his notion of "peaceful revolution", says: "When the subject denounces obedience and a civil servant resigns, then the revolution has taken place" (Toro, 1981: 313).

21   It should be noted that one part of domestic professional and wider public, when examining 5th October events and its outcome, gives decisive importance to the foreign influences, most of all, to the actions of international non-governmental organizations and their financial and organizational support to the actors of civil society in Serbia.

22 More on anti-regime civil activities during the 1990s in Serbia as a special form of social learning from experience see: Pavićević, Spasić, 2001: 142-149.

enable considerably wider and empirically more adequate and more stimulating analytic framework. In our opinion, it can best be achieved by normative approach and emphasizing a certain type of political culture, one with civic value orientations, as a key condition for the civil disobedience practice. What is in question is the civic political culture as the valuable context which provides necessary self-reflection on both sides, in civil society and on the part of political authority. Without such political culture framework, civil disobedience is in fact absolutely impossible, since in that case those who can only be the protagonists and carriers of such civil actions and initiatives would not exist, and they are politically mature citizens and their associations as the civil society actors. At that, we do not consider that practicing civil disobedience necessarily demands the existence of this civil culture in some developed form, in other words, its completely mature shape. It is enough that it is in the process of development. Then it is certain that the activity of civil society itself reversibly affect further development and widening of those civic virtues and liberal-democratic values necessary for citizens' associating and acting. Besides that, this normative approach is imposed because the rights to civil disobedience, regardless of certain foundations for its justification coming from positive law, by its very essence and logic, cannot be an element of any positive legal order, not even the most democratic one. It is possible only as a category of the political culture.

Such a combined approach, which includes complementing the reduced systemic-institutional approach with a normative one, i.e. the civic culture approach, would enable the civil actions of nonviolent resistance to the illegitimate political authority and its unjust decisions, and such a legal and political system on the whole, which are carried out in societies that do not fulfill the rigid institutional condition stricto sensu, can also be treated as acts of civil disobedience. Moreover, such emphasizing of the civic-cultural contextual framework would enable those cases of contemporary protest movements, whose actions of nonviolent resistance are performed in the conditions of consolidated and developed democracy, but are directed exactly against its existing shape and are not founded on the Rawlsian principle of justice, to be involved in the redefined concept of civil disobedience. It is our opinion that we would then get a more comprehensive and more stimulating conceptual framework, which would, therefore, have significantly greater use on the cognitive and theoretical analytic plan as well as on the practical-political plan or, in other words, the field of social mobilization.

In theoretical aspect, it is certain that such redefinition of the contemporary concept of civil disobedience, along with the widening conditions and roles and the legitimate field of this kind of political acting, enables further development and democratization of legal and political theory, and also some other disciplines of political science whose thematic corpus consists also of these prominently interdisciplinary problems. In social-political view, by using this combined approach, while emphasizing the normative one, civic political culture and its role

in the political and social development on the whole would be affirmed. This would stimulate the development of certain civic virtues and people's responsibility towards their own political community and others. In other words, it would contribute to democratic education and development of political awareness of society members. It would also contribute to democratic education of the political decision-makers, as well as the overall better understanding of the civil disobedience as a specific civil strategy. This practice, if it represents an element of civic culture and is justified, should not be treated as a disturbing, but as a normalizing factor in the functioning and development of a democratic constitutional state.

However, one has to bear in mind that neither in the case of Serbia, nor in any other similar case, massive civil disobedience could not be efficiently and effectively applied as a strategy in carrying out the change of the political regime if the existing authoritarian regime had not already been worn out and/or the political authority did not lose its legitimacy formally at the elections. It could be assumed that in such circumstances the army and the police would quite possibly fit into defence of the regime and react much severely. When the the government has a devoted apparatus of force and the political will to use it in order to break the demonstrations, then the number of participants in the protests is certainly not an obstacle to it. Therefore, in such situation, as S. Antonić says, "'peaceful revolutions' are still exceptional. It is difficult for peaceful demonstrators to perform a revolution" (Antonić, 2001: 35).[23] Possible failure in the breakdown of a nonviolent resistance of citizens can then be more a consequence of the government indecision to finish it. However, in such circumstances the necessary institutional minimum that we emphasized as one of the two crucial conditions for practicing civil disobedience would not exist, first of all in regard to a certain necessary degree of possibility for the self-defense of the civil society. In this case that is the subject of our analysis here, one contradictory conclusion is imposed: "A partial explanation of the electoral (and factual - note by A.M.) defeat of the authoritarian order in Serbia should be sought in the fact that the order was not authoritarian enough" (Goati, 2001: 51) nor, as it turned out, authoritative enough (having in mind the crucial refusal of the armed force members to execute the orders of the political establishment to use force). What we really wanted to call special attention to is the second key condition which, under the presumption that the first one is fulfilled, is also necessary for civil disobedience as a specific kind of political practice, i.e. as we mentioned above, in order to exist at all those who can only apply it - the citizens themselves, but in the full sense of the word. It is clear that the civic political culture is in question here.

As regards the Serbian society, and especially its part called the civil society, it is important to emphasize that, after some initial utopian expectations about democracy, the "moral" and a lesson which should be reached now through past

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23 With this remark, the author refers to Gordon Tullock's view: "A truly ruthless leader with loyal troops and a good internal intelligence service does not need to worry very much about popular uprisings" (G. Tullock, *Autocracy*, Martinus Nijhoff Publishers, Dodrecht, 1987, p. 69; quoted by: Antonić, 2001).

social and political experience, are that "democrats are not 'people of some special make' and that democracy should not be equaled with good government and good decisions yet by definition, but only with some special procedure for the election and the control of the government and the decision-making" (Stojanović, 2001: 25); and which is especially important, also with the potential non-procedural means of government control and non-institutional mechanisms of influence on the revision of its decisions and innovation of law and politics.

The case of Serbia, but also many other historical and modern examples of successful practicing of civil disobedience, actually leads to the conclusion excellently given by V. Pavićević: "Faith in a citizen is stronger than the faith in any positive legal system, since a citizen is the one who has the democratic rights, but also a right to justice as an utmost ideal. Because 'the divine law', as Antigone calls it, always lies in the citizen's heart, it is, therefore, the most sensitive to injustice". (Pavićević, 2001: 31). In our opinion, one should solely add and emphasize here - that citizens have not only the natural right to justice but also the natural duty to fight against injustice. Thus, although in their fight, by offering nonviolent resistance to what Gustav Radbruch called "legal non-law" (Radbruch, 1980: 266), citizens cannot refer to any positive law which would directly allow disobedience, if they take on such risk and bravely engage into it, they will - using Neumann's words - "acquire our sympathy" (Neumann, 1974: 179).

In the end, one should point out that all the exposed does not mean that we plead here for some anarchist vision or anomic state of society. Nor do we consider that every act being, by those who perform it, self-perceived, i.e. self-defined and self-understood as the act of civil disobedience is always and just because a priori justified. It is our opinion that "civil disobedience" which is not "submerged" in the concept of civic political culture and does not fulfill the conditions regarding the elimination of legal injustice, primarily in the case of endangering and violating basic human rights (whether it is about individual unjust legal or political act or such legal and political systems on the whole), that are necessary for it to be justified, and hence the demands of its practitioners to be considered as legitimate by the other citizens and also the international public, even the polititical authority itself, is not civil in the real sense. Accordingly, we can even agree with the position that "civil disobedience which does not arise from sensible reasons and does not manage to find its right measure, generates implacably collective madness" (Jelovac, 2001-2002).

Bearing that in mind, but also, on the other hand, the general tendency of the state authorities and even judicial bodies in all societies, albeit the most democratic ones, to behave in accordance with the so-called authoritarian legalism, automatically punishing civil disobedients like all other violators of law, we consider these Habermas' words, which are also our massage for the

end, to be very instructive: "The fools of today are not always the heroes of tomorrow; many will remain tomorrow the fools of yesterday. Civil disobedience often moves in the dusk of history" (Habermas, 1989: 60).

Bibliography

Almond, G., Verba, S. (2000) *Civilna kultura: Politički stavovi i demokracija u pet zemalja.* Zagreb: Politička kultura.

Antonić, S. (2001) "Priroda petooktobarskog prevrata, 'Miloševićevo zaveštanje' i demokratska Srbija", in: Spasić, I., Subotić, M. (eds.), *R/evolucija i poredak: O dinamici promena u Srbiji.* Beograd: Institut za filozofiju i društvenu teoriju, pp.

Arendt, H. (1972) *Crises of the Republic.* New York: Harcourt Brace Jovanovich.

Bleiker, R. (2002) "Rawls and the limits of nonviolent civil disobedience". *Social Alternatives*, 21(2): 37-40.

Diamond, L. (1996) "Is the third wave over". *Journal of Democracy*, 3: 20-38.

Dyzenhaus, D. (1996) "The legitimacy of legality". *Archiv für Rechts und Sozialphilosophie*, 82(3): 324-360.

Gandhi, M. K. (1966) *Autobiografija ili priča o mojim pokusima s istinom* ("Predgovor" by Josip Đerđa). Zagreb: Naprijed.

Gandhi, M. (1970) *Borba nenasiljem*. Beograd: Komunist.

Goati, V. (2001) "Priroda poretka i oktobarski prevrat u Srbiji", in: Spasić, I., Subotić, M. (eds.), *R/evolucija i poredak: O dinamici promena u Srbiji.* Beograd: Institut za filozofiju i društvenu teoriju, 43-55.

Habermas, J. (1989) "Građanska neposlušnost – test za demokratsku pravnu državu". *Gledišta*, 10-12: 52-68

Jelovac, D. (2001-2002) "Kako je moguća građanska neposlušnost u savremenom demokratskom poretku?". *Radio Student School of Political Democracy* [online]. Available at: www.radiostudent. si/projekti/demokracija/teksti/28nepokorscinash.html [Accessed 15 July 2009].

Keane, J. (1990) "The politics of retreat". *The Political Quarterly*, 61(3): 340-352.

Kin, Dž. (2003) *Civilno društvo: Stare slike, nove vizije.* Beograd: Filip Višnjić.

King, M. L., Jr. (1968) *Chaos or Community?*, London: Hodder and Stoughton.

Matan, A. (2008) *Teorija političke legitimnosti Johna Rawlsa.* Zagreb: Fakultet političkih znanosti.

Mirović, A. (2005.) "Savremena shvatanja civilnog društva s posebnim osvrtom na koncepciju Džona Kina (John Keane)". *Politička revija*, 8(3): 937-956.

Mirović, A. (2009a) "Diskurzivna demokratija kao specifičan oblik deliberativno-demokratskog modela". *Srpska politička misao*, 26(1): 45-84.

Mirović, A. (2009b) "Građanska neposlušnost i prigovor savesti: Konceptualni razvoj i pojmovno razgraničenje". *Politička revija*, 22(4): 1-26.

Mirović, A. (2009c) "Građanska neposlušnost, pravo na otpor tiraniji i 'pomoć ugroženoj državi' kao mehanizmi zaštite i (ponovnog) uspostavljanja demokratskog ustavnog poretka". *Srpska politička misao*, 26(4): 1-44.

Mirović, A. (2010a) "Kriza legitimnosti i prestanak političke obligacije, ili pravo i dužnost građanske neposlušnosti". *Srpska politička misao*, 27(1): 109-132.

Mirović, A. (2010b) "Savremena shvatanja građanske neposlušnosti". *Politička revija*, 23(1): 1-20.

Mirović, A. (2010c) "O građanskoj neposlušnosti kao elementu civilne političke kulture". *Politička revija.* 24(2): 1-20.

Molnar, A. (2001) *Rasprava o demokratskoj ustavnoj državi 1: Pravo na otpor tiraniji.* Beograd: Samizdat B92.

Molnar, A. (2002) *Rasprava o demokratskoj ustavnoj državi 4: Građanska neposlušnost*. Beograd: Samizdat B92.

Neumann, F. (1974) "O granicama opravdane neposlušnosti", in: Neumann, F. *Demokratska i autoritarna država: Studije o političkoj i pravnoj teoriji*. Zagreb: Naprijed, 170-179.

Parekh, B. (1996) "Political theory: Traditions in political philosophy", in: Goodin, R. E., Klingemann, H. (eds.) *A New Handbook of Political Science*. Oxford: Oxford University Press, 503-518.

Pavićević, Đ., Spasić, I. (2001) "Prelazna ocena: Promene u Srbiji kao oblik socijalnog učenja", in: Spasić, I., Subotić, M. (eds.), *R/evolucija i poredak: O dinamici promena u Srbiji*. Beograd: Institut za filozofiju i društvenu teoriju, 137-150.

Pavićević, V. (2001) *Građanska neposlušnost u savremenoj političkoj teoriji* [online]. Available at   www.vladimirpavicevic.info/tekstovi/gradjanska_neposlusnost_u_savremenoj_politickoj_teoriji [Accessed on 22 April 2009].

Radbruch, Gustav (1980) *Filozofija prava*, Beograd: Nolit.

Rawls, J. (1998) *Teorija pravde*, Beograd: Službeni list, Podgorica: CID.

Sabl, A. (2001) "Looking forward to justice: Rawlsian civil disobedience and its non-Rawlsian lessons", *The Journal of Political Philosophy*, 9(3): 307-330.

Spasić, I. (2004) "Građanska neposlušnost", in: Krstić, P. (*ed.*) *Kritički pojmovnik civilnog društva* (II), Beograd: Grupa 484, 39-75.

Stanovčić, V. (1992) "Problemi legitimnosti političke vlasti". *Glas*, CCCLXVI(26): 43-117.

Stanovčić, V. (2001) "O osnovama i karakteru političke obligacije građana". *Anali Pravnog fakulteta u Beogradu*, No. 1-4: 255-296.

Stanovčić, V. (2003) *Vlast i sloboda*, Beograd: Jugoslovensko udruženje za političke nauke, Čigoja štampa.

Stojanović, S. (2001) „Demokratska revolucija u Srbiji", in: Spasić, I., Subotić, M. (eds.) *R/evolucija i poredak: O dinamici promena u Srbiji*, Beograd: Institut za filozofiju i društvenu teoriju, 23-31.

Toro, H. D. (1981) *Valden*; *O građanskoj neposlušnosti*, Beograd: Srpska kniževna zadruga.

Vasović, M. (1998) „Politička socijalizacija i promene političke kulture", in: Vasović, M. (ed.) *Fragmenti političke kulture,* Beograd: Institut društvenih nauka, 80-114.

Vasović, V., Pavlović, V. (eds.) (2004) *Uslovi i strategije demokratizacije*. Beograd: Jugoslovensko udruženje za političke nauke, Fakultet političkih nauka.

Welchman, J. (2001) "Is ecosabotage civil disobedience?". *Philosophy and Geography*, 4(1): 97-107

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Lijphart's Conceptual Map of Democracy: The Case of Serbia

Abstract

In this paper the author maps the position of Serbia on the scale of consensual/majoritarian democracy, by analysing the period from abandoning of the authoritarian communist regime and reinstatement of democracy beginning in 1990, up to now. For this purpose, ten institutional variables - the crux of the contrast between majoritarian and consensus democracy models are examined in the context of Serbia. The methodological approach applied is that of new institutionalism. Political institutions encompass not only formal constitutions and organisational structures, but also informal conventions of political life and we show that the design of new political institutions can change the behaviour of political actors to meet expectations, shaping their values, norms, interests and power relations.

Keywords: Serbia, Lijphart, institutions, consensus democracy, majoritarian democracy

Serbian political science marks the beginning of the democratic transition in modern-day Serbia with two dates. The first is the point of departure from the authoritarian, monolithic and single-party communist regime and of the constitutionalisation of principles underlying classical democracy - sovereignty of citizens, rule of law, separation of powers, party pluralism and free elections, private property, human and minority rights, etc. - in the early nineties of the last century, and the second is the October 5, 2000 democratic (r)evolution. With the collapse of SFRY and associated major social and political turnabout in 1990, opportunity to choose new institutions was wide open. At this historical turning point, political elites chose from a wide spectrum of different options to pursue Westminster democracy. Majoritarian electoral system which, as a consequence, produced few effective political parties, evasion of coalition governments, comparatively long cabinet tenures, conflict-charged interest group pluralism, centralism, dependence of constitutional legislature and central bank, as some of its traits. This initial choice largely determined the direction in which Serbian politics was moving during the 1990's. Although before long, with the introduction of proportional electoral systems, radical amendments were made to the election legislation, the

consistently high number of constituencies - 9 and 29 - and the persistence of a high electoral threshold of 5% continued to distort the proportionality of votes and mandates. This allowed for policymaking based on the conflict with the opposition, without even a basic consensus. The democratic changes of October 5 presented a fresh opportunity for elites to choose direction. This time, there was an unconscious move towards consensual democracy. A single constituency and a greater degree of proportionality, party system oscillating between moderate and polarised pluralism, broad coalitions, frequent changes in cabinet party composition, creation of institutional framework for trilateral negotiations, etc., shaped the behaviour and actions of key political and social actors in the first decade of the 21st century. Seemingly neutral rules and procedures of consensus democracy define "appropriate" behavior in the given context, weaken the symbolic antagonism dominant during the 1990's and build a policy that is based on cooperation, rather than conflict.

Lijphart's conceptual map of democracy

The theory of democratic consocation, modeled by Lijphart by generalising consociational experiences of states such as the Netherlands, Austria and Switzerland, served as the basis for developing, during the 1980's and 1990's, a dichotomous typology of democracy models - majoritarian (Westminster) and consensual. While consociational democracy was proposed as the only solution for plural societies since "the actual choice lies not between the British normative model of democracy and consociational model, but between consociational or no democracy" (Lijphart 1992: 296), consensus democracy, in Lijphart's view, represents an optimal solution for all democratic countries, whether plural or homogenous.

Understanding of the consensual model of democracy is not possible without contrasting it to the majoritarian model. To the question: who will govern in a society and whose interests should the government mind when there is no consensus among the people and their preferences are at odds, Lijphart offers two answers: "the majority of citizens" (majoritarian democracy) and "as many people as possible" (consensus democracy). Since all those affected by a decision should have the opportunity to participate in its making, the consensus model is fairer and more democratic. Presenting consensus democracy is not possible without contrasting its key features (ten institutional variables) with the basic traits of majoritarian (Westminster) democracy.[1] Lijphart groups these ten variables in two distinct dimensions - the executive-parties dimension and the federal-unitary dimension.

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1 In his first work in which he postulates the difference between majoritarian and consensus democracy, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, published in 1984, Lijphart determines eight institutional variables to distinguish between consensus and majoritarian democracy. In his 1999 book: *Patterns of Democracy: Government Form and Performance in Thirty-Six Countries*, one variable is dismissed (number of party system dimensions) and three new variables added (interest group system, central bank independence, judicial review of constitutionality).

The first five differences of the executive-parties dimension are: (1) concentration of executive power in a single-party system, versus executive power-sharing in broad multiparty coalitions; (2) executive-legislative relationships in which the executive is dominant versus executive-legislative balance of power; (3) two-party versus multiparty systems, (4) majoritarian and disproportional electoral system versus proportional representation; (5) pluralist interest group systems with free competition among groups versus coordinated and "corporatist" interest group system aimed at compromise and harmonisation (Lijphart 1999: 76).

On the other side, there are five differences between majoritarian and consensus models forming the federal-unitary dimension: (1) unitary and centralised governments versus federal and decentralised governments; (2) concentration of legislative power in a unicameral legislature versus division of legislative power between two equally strong but differently constituted houses; (3) flexible constitutions which are subject to amending by simple majority versus rigid constitutions which can be amended only by a qualified majority vote; (4) systems in which legislatures have the final word on the constitutionality of their own legislation, versus systems in which laws are subject to a judicial review of their constitutional compliance by supreme or constitutional courts; (5) central banks dependent on executive power versus independent central banks (ibid: 76-77).

By means of analysis and accurate quantitative measurement of these ten institutional variables and distinctions between them which arise from the contrast between majoritarian and consensus models, every state can be placed on the "conceptual map" of democracy, where each can be located at both ends of the continuum (majoritarian/consensus) or anywhere in between. The author's aim is to examine these variables in Serbia and to determine the location and possible variations in the two periods observed (1990-2000; 2001-2010).

Serbia - from majoritarian toward consensus democracy

The first of the ten variables characterising the contrast between majoritarian and consensus models of democracy is the party system. Two-party systems define the majoritarian model, while a feature of consensus democracy is the existence of several parliamentary parties. In majoritarian democracies, the effective number of parliamentary parties is below, or just above two, while in the consensus model, this number is usually above three.

Following eight cycles of parliamentary elections, the Serbian party system is still at the stage of institutionalisation. Fluctuations in election results indicate instability of Serbia's party system, while "great and abrupt changes in the parties' electoral strength indicate their relatively fragile and volatile relations with voters" (Stojiljković 2008: 213). As the consequence of weak party identification, voter crossovers are common, even between ideologically distant political parties. The quantitative

measure of these transfers is the percentage of votes which changed a political party by comparison to the previous elections and is computing by adding together all differences in the percentage of votes of parliamentary parties compared to the previous elections. Data on inter-party shifts in Serbia up to 2003 are as follows: 1992 - 48.1%; 1993 - 24.4%; 1997 - 26.2%; 2000 - 110%; 2003 - 41.5%. The average electoral instability during this period was around 50% (ibid: 123).

The number of registered parties (629 in January 2009) (Jovanović 2008: 110-111), the number of elective and parliamentary parties and the total number of parties in the ruling coalitions are the best indicator of the high level of fragmentation and dynamics of the party system of Serbia. The first multiparty elections in Serbia held in 1990 according to the majority election model, with 250 single-mandate constituencies produced the party system with a dominant party - the Socialist Party of Serbia (SPS) with 46.1% votes, won 77.6% deputy mandates - but they did not lead to the creation of two-party system. Fourteen political parties and coalitions won seats in the National Assembly of the Republic of Serbia, while eight seats belonged to candidates of citizens' groups. At opposition's insistence, the electoral law was amended in 1992 and henceforth, until the last elections (2008), in place were different variations of the proportional electoral system which, as a rule, leads to multipartism.

Aside from the 2000 elections which resulted in a party system with a dominant coalition - Democratic Opposition of Serbia (DOS) won 176 deputy seats - the period from 1992 to 2010 is characterized by a minimum of three and usually more relevant parties on the Serbian political scene and the party system oscillating between moderate and polarised pluralism. According to Slaviša Orlović, Serbian party system has the traits of polarised pluralism and is marked by "the existence of anti-systemic parties" which do not share the values of the political system in which they operate, the existence of "bilateral opposition" - two opposition parties are closer to the regime than to each other - physical busyness of the centre leading to polarisation - party of the centre opposed to both left and right wing - the predominance of centrifugal over centripetal forces leading to the strengthening of extremist parties, ideological paradigm which blocks the reaching of a basic consensus on key issues and the existence of an irresponsible opposition (Orlović 2008: 402-403).

The method that we will apply in order to determine the number of parties on the party scene in Serbia is the calculation of the effective number of parliamentary parties by using the index developed by Laakso and Taagepera based on the following formula:

$$EPN = \frac{1}{\sum_{i=1}^{n} Si^2}$$

Si represents the proportion of mandates won by the i-party (Laakso, Taagepera 1979: 3-27).

Among Serbian researchers there is a dilemma about how coalitions should be counted in the calculation of effective number of parties index. Some authors count coalitions with dominant actors as a single party, while coalitions with several relevant actors are counted as several parties - in the case of DOS as three parties (Goati 2004: 180-182). Some take as units of analysis coalitions and not individual parties within them (Orlović 2008: 404), and there are also authors who count each party within a coalition separately (Vukomanović 2005: 31). For example, the fragmentation index after the parliamentary elections in December 2000 was 9.11, or nearly equal to the effective number of parties index at the beginning of transition in Poland, which was 10.85 (Linz, Stepan 1998: 332-333).[2] It is interesting that, if we apply the criterion: coalition = one party, the Laakso-Taagepera index for 2000 elections is 1.89.

Because of these discrepancies in the results, which result from acceptance of different models for counting coalitions, it seems necessary, for the sake of accuracy, to set some rules which will help us to specify, when calculating the effective number of parties index, where a coalition "ends" and a party "begins". Thus, we will count the parties running in elections as part of a coalition as separate if they: 1. in the creation of cabinet, despite being part of a losing election coalition, gain executive power, as well as those parties which, although part of the winning election coalition, are excluded from the coalition government and included in the opposition parliamentary benches; 2. establish a single parliamentary group, i.e. after the new parliament is constituted and within one year from the date of its constituting, form a separate parliamentary group; 3. changes which occur in the course of a legislature and within the period of one year, and lead to the formation of breakaway parliamentary groups or to the creation of new parties that also have the mandates in the National Assembly will not be taken into account.

The above criteria allow us to identify parties which, although running in elections within a coalition, intend to pursue an independent party policy during the legislature. By adopting these rules, we will neutralise situations in which parliament fragmentation is due to the trailing of small-scale "caravan" parties on the electoral lists of relevant political parties, as well as the practices of deputy "crossover" from one camp to another or the creation of new parliamentary groups and political parties as a result of internal party strife or various forms of inter-party trading, so typical of Serbian parliamentarianism.[3] By following these rules, the effective number of parliamentary parties index was calculated for two periods, respectively: from the establishment of a multiparty system in 1990 to December 2000 elections and from the elections held in 2003 to the last elections in 2008 (Table 1).

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2   High level of fragmentation of the Polish Sejm is the consequence of application of the purely proportional electoral system - single constituency and non-existence of election threshold.

3   As an illustration, in 2008 elections, deputy mandates were won by five party and three national minority lists, but at the end of 2010 there were 23 political parties represented in the Serbian parliament.

Election year	Laakso-Taagepera Index
1990	1,64
1992	3,74
1993	3,27
1997	3,15
2000	2,91
Average value (1990-2000)	2,94
2003	4,80
2007	4,59
2008	4,56
Average value (2001-2010)	4,65

Table 1: Laakso-Taagepera Index in Serbia

The second institutional variable contrasted between the majoritarian and consensus democracy is cabinet type, namely the difference between one-party majority governments (the principle of executive power concentration in the hands of the majority) and broad multiparty coalitions (the principle of executive power-sharing), and thus it refers to the scope of participation of people's representatives in executive bodies. Apart from the classical distinction between one-party and coalition cabinets, cabinets can be distinguished also in terms of support they enjoy in the legislature. We can thus can make a tripartite classification of cabinets: (1) minimal winning cabinets in which the party or parties making up the cabinet control the majority of parliamentary seats, but the cabinet does not include any party not needed to achieve parliamentary majority, which is why these cabinets and called "minimal"; (2) oversized cabinets, coalitions with "excessive majority" include in their composition parties whose parliamentary support is not necessary for securing parliamentary majority, (3) minority or "undersized" cabinets which do not have majority support in the legislature.

According to Lijphart, one-party and minimal winning coalition cabinets belong to the majoritarian part of the spectrum, while multiparty minority cabinets and "excessive majority" coalitions have consensual characteristics. In Serbia, 11 cabinets have been composed since 1990. The first two cabinets formed after multiparty elections held according to a two-round system were single-party majoritarian. Subsequently, and following the introduction of proportional electoral model, Serbia in less than two decades of renewed parliamentarianism saw all cabinet types: minority single-party - once, minority coalition - once, broad coalition governments - three times, and minimum winning coalition cabinets - four times.

elections	Cabinet type	Parliamenatry majority	Prime-minister	Term of office
1990	Single-party majority	SPS (194 mandates)	Dragutin Zelenović	11-02-1991
				23-12-1991
	Single-party majority	SPS (194 mandates)	Radoman Božović	23-12-1991
				10-02-1993
1992	Single-party minority	SPS (101) supported by SRS (73)	Nikola Šainović	10-02-1993
				18-03-1994
1993	Minimal winning coalition	SPS (123) + ND (6)	Mirko Marjanović	18-03-1994
				24-03-1998
1997	Minimal winning coalition	SPS (110) + SRS (82)	Mirko Marjanović	24-03-1998
				23-10-2000
	Broad coalition	SPS (110) + SPO (45) DOS	Milomir Minić	23-10-2000
				25-01-2001
2000	Broad coalition	DOS (176)	Zoran Đinđić	25-01-2001
				12-03-2003
	Broad coalition	DOS	Zoran Živković	18-03-2003
				03-03-2004
2003	Minority coalition	DSS, G17, SPO-NS (109) supported by SPS (22)	Vojislav Koštunica	03-03-2004
				15-05-2007
2007	Minimal winning coalition	DSS-NS (47) + DS (64) + G17 (19)	Vojislav Koštunica	15-05-2007
				07-07-2008
2008	Minimal winning coalition	ZES (102) + SPS (20) Minorities (7)	Mirko Cvetković	07-07-2008

Table 2: Cabinets of the Republic of Serbia

Source: Milan Jovanović, Političke institucije u političkom sistemu Srbije, Institut za političke studije, Belgrade, 2008, p. 230.

The following table shows the period of each particular type of cabinet in Serbia, covering the last decade of 20th and the first decade of 21st century:

Cabinet types	1990 2000	2001 - June 2010
Minimal winning, single-party	20,5	-
Minimal winning coalition	67,2	32,1
Minority, single-party	10,4	-
Minority, coalition	-	34,1
Oversized coalition	1,9	33,8
Total	100	100

Table 3: Proportion of tenure of five cabinet types in Serbia (%)

Lijphart expresses the overall share of the majority element in the cabinet structure as the average of two values, single-party cabinets (both majority and minority) and minimal winning cabinets (single-party and coalition), and the results for Serbia in the two periods observed are indicated in Table 4.

Serbia	Minimal winning cabinets (%)	Single-party cabinets (%)	Majority element share
1990-2000	87,7	30,9	59,3
2001-2010	32,1	0	16,0

Table 4: Majority element share in the cabinet structure in Serbia

The third variable between the majoritarian and consensus model of democracy concerns the relationship between the legislative and executive branches of government. Executive power dominates in the majoritarian model, while the balance between legislative and executive powers is typical for the consensus model. The best indicator of executive and legislative powers and their relationship in the parliamentary system is the duration of the cabinet, as "a cabinet, which has been in power for a longer period of time is more likely to be dominant in relation to the legislative body, while a cabinet with a short period of time in power will most probably be relatively weak" (Lijphart 1999: 161). For this reason, Lijphart measures the dominance of executive power in two ways. In one, he focuses on the party composition of the cabinet and counts the cabinet as one if its party composition remains unchanged, while in the other he uses four criteria for the cabinet cessation - changes in party structure, change of Prime minister, of the coalition status and the running of new elections. Finally he determines the level of dominance of executive over legislative by calculating the average value of the results obtained by two different methods.

Since out of the twelve Serbian governments to date[4], the replacement of the prime minister-designate without change of the party composition occurred only three times, the results obtained by using different models will not show significant variations. The first three cabinets were composed from the ranks of SPS and a few non-partisan figures, while only the third cabinet resulted from the new elections, while the second cabinet resulted from the change of prime minister. Besides this, there were no changes in the party composition even following the assassination of the Prime Minister Zoran Djindjić, when the eighth cabinet, headed by Zoran Živković, continued to enjoy the support of the "rump" DOS coalition. Table 5 shows the average duration of Serbian cabinets in two periods (1990-2000, 2001-June 2010), and the average value as an indicator of executive power dominance.

The fourth variable between majoritarian and consensus democracy refers to the type of electoral system. The system of majoritarian democracy is characterised by the electoral system of relative (first-past-the-post) or absolute majority (two-round system), in which deputies are elected in single-mandate constituencies. On the other hand, proportional representation is a typical feature of consensus democracy.

4   We count the cabinet composed by Zoran Djindjić as two - before and after the stepping out of DSS from the cabinet in August 2001 - since its composition was changed by this act.

In the majoritarian system, candidate supported by the majority of voters wins, while proportional representation aims to distribute mandates according to the number of votes.

Serbia	Average duration of cabinet (I)	Average duration of cabinet (II)	Average value
1990-2000	2,7	1,8	2,25
2001-June 2010	1,87	1,55	1,71

Table 5: Executive power dominance of in Serbia

The electoral system in Serbia has been subject to frequent changes. In addition to its fundamental changes in 1992 and the transition from majoritarian to proportional electoral system, substantive changes in election institutes have been reduced to the change of the number (size) of constituencies. The size of a constituency represents the number of seats allocated in an electoral district and directly influences the proportionality of election results. In Serbia, the number of constituencies was reduced from 250 single-mandate units established in 1990 to nine multi-mandate units, using d'Hondt formula for converting votes into seats and the electoral threshold of 5%. In 1997, the number of constituencies was increased to 29, and such conversion of large into medium constituencies was aimed at distorting the proportionality and thereby increasing chances of the ruling majority to win.

After the DOS coalition assumed power in 2000, Serbia was constituted as a single, unified constituency. The detrimental effect of a single electoral district and the five percent electoral threshold on the representation of minority parties was manifested only in the sixth election cycle (2003) when, for the first time since the introduction of competitive elections, national minorities did not have their representatives in the National Assembly.[5] The consequences of this electoral model were eliminated by abolishing of the electoral threshold for national minority parties, which, since the adjustment of the electoral law, have been participating in the distribution of seats, notwithstanding the 5% of votes received, if in elections they reach or surpass the number of votes equal to the natural electoral threshold.

Despite many variations within the proportional system and although no system of proportional representation is totally proportional, they are significantly less disproportional than the systems of relative and absolute majority, which can be demonstrated by using different indexes for the measuring of (dis)proportionality.[6]

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5   In Serbian parliamentary elections of 2000, national minority parties joined the DOS coalition, which prevented the dispersion of their votes.
6   Most commonly in use are Rey's index, Loosemore-Hanby index, "east squares index" of Michale Gallagher and the largest deviation index. See: Dušan Vučićević (2009) „Manipulativni uticaj izborne jedinice", *Srpska politička misao,* 1, pp. 204-206.

The degree of disproportionality of election results in Serbia (Table 6) was obtained by using the Gallagher index of least squares, whose advantage is stronger detection of a few major deviations than a large number of minor deviations:

$$LSq = \sqrt{\frac{1}{2} \sum (Vi - Si)^2}$$

Electon year	LSq
1990 [7]	23,65
1992	10,22
1993	9,31
1997	7,98
2000	5,34
Average value (1990-2000)	11,3
2003.	6,42
2007.	5,16
2008.	2,18
Average value (2001-2010)	4,59

Table 6: Index of disproportionality in the elections in Serbia

Source: National Bureau of Statistics (data for 1990: Milan Jovanovic, Izborni sistemi - Izbori u Srbiji 1990-1996, Institut za političke studije, Službeni glasnik, Belgrade, 1997).

The last difference between the majoritarian and consensus democracy under the executive-parties dimension pertains to interest group system. The characteristic system for majoritarian democracy is a competitive and uncoordinated pluralism of autonomous groups, versus a coordinated corporatist system which focuses on compromise, as the key feature of consensus democracy. There are four key components that can be used to identify corporatism: (1) interest groups are relatively few, but relatively large in terms of membership size; (2) interest groups are organised in leading national organisations; (3) regular consultations are held among leaders of the leading national organizations, particularly those representing workers and management, both among themselves and with government representatives; (4) the aim of these consultations are tripartite agreements that are binding for all of three sides in the negotiations (Lijphart 1999: 191-192).

Analogously to political pluralisation process, several autonomous trade unions emerge in Serbia during the 1990's. Much needed action cooperation among various unionist centres is burdened by past problems (division of the unions' property), a legacy of mistrust and disputes, vanities of leaders. An additional problem is that the

leading Serbian trade unions are primarily loose (con)federations of their members, characterised by organisational pluralism (professional, branch, territorial basis of organisation). Conflict pluralisation resulted in the atomisation and fragmentation of the trade union movement and consequently led to the marginalisation of the trade unions' role.

Rights and freedoms of trade union association and action, right to collective bargaining and concluding collective agreements, to strike, and to the participation of employees in the management and distribution of profit during the nineties, from the legal perspective, were set in a satisfactory way. However, the realisation of these rights was hindered by various factors. In addition, there was no interest among employees in "codecision", strikes were rife, salaries non-market, guaranteed and insufficient, while social dialogue was part of the game by various political actors (Stojiljković 2008: 230-255).

The situation did not change significantly even after 2000, so "facing each other were (...) uncoordinated, weak and rivalling unions, unarticulated and inadequately organised employer structures and unstable governments, under-motivated for effective social dialogue with social partners", (Ibid: 259). Although in 2001 the Socio-Economic Council (SEC) was founded as an institutional framework for tripartite negotiations, which was an indirect acceptance of the social neocorporatist model aiming toward the establishment of the consultative process and dialogue, there was no significant change. As the most important decisions are not discussed in the SEC, but the government attempts to obtain coverage for its policy by receiving subsequent acclamation within the SEC, social dialogue, although necessary, becomes an empty institutional shell. The unequal position of trade unions in relation to the employers and the government is illustrated by the dispute over the adoption of the General Collective Agreement, the Employers' Union refusal to sign it and the freezing of its financial provisions.

A short overview of the functioning of the interest group system of in Serbia classifies it much closer to the majoritarian than the consensus pole and is characterised by a large number of interest groups, of which only some are relevant, powerlessness of leading organisations at the national level, weak tripartite consultations and the absence of a binding agreement for all three sides. Wars, isolation and the hard transition in Serbia, accompanied by the economic decline of the state and its citizens resulted in the emergence of conflict union pluralism. However, some progress has been evident in recent years because an institutional framework was created for tripartite negotiations, and unions find the basis for joint action which is ultimately likely to lead to their reconciliation. Therefore, we rate Serbia in the period from 2001 to 2010 with a score of 2.60. On the other hand, the absence, if formal, of the institutional framework for negotiations between the government, employers and unions in the period up to 2000 increases the index of interest group pluralism to 2.80.

A fundamental feature of the majoritarian democracy is the concentration of power, while the consensus model is characterised by power-sharing. Lijphart

transposes this distinction also to vertical organization of power, contrasting a unitary state and centralisation on one hand, and federalism and decentralisation on the other. From the legal point of view, Serbia is a unitary state decentralised along two lines - those of local self-government and territorial autonomy. Under the 2006 Constitution, asymmetric territorial autonomy was maintained - autonomous provinces are not present on the entire territory, and moreover, their status is not equal as substantial autonomy is stipulated for Kosovo and Metohija[7] and a monotypic form of local self-government with municipality as a unique type of local self-government - city and Belgrade city exercise the functions of municipality. The establishment of new and dissolution, or merging, of existing autonomous provinces is permitted "but the procedure for the creation of regions is restrictive and almost impracticable, requiring amendments of the Constitution, which objectively means that regionalisation is hard to reach" (Djordjevic 2008: 102).

In practice, Serbia is a centralised state. Reform laws just opened the process of decentralisation of power in the form of transfer of competencies, responsibilities and resources from the central to local authority level. Successful implementation of reforms implies the development of a comprehensive network of local authorities, strengthening of local authorities in respect of competences, finances and overall resources and fostering of partnerships among various levels of authority. The state has too many competencies, while local authorities do not have enough, and thus the state "paddles" instead of "steering" (ibid: 102). Although the adoption of Law on Establishing the Competencies of AP Vojvodina and the ratification of the Vojvodina Statute by the National Assembly of the Republic of Serbia mark some progress, what will matter is how the Province's autonomy will function in practice and whether it will remain centralised, with Novi Sad as its administrative centre, or represent a first step toward bringing government closer to citizens and developing the model of centralization consistent with Serbia's needs.

In line with the above observations regarding the territorial organisation of power and level of decentralisation, Serbia, measured by Lijphart's index of federalism, can be rated 1.3 for the period until 2000, while in the first decade of the 21st century, this index is increased to 1.4, primarily owing to various political actors' efforts toward the achievement of principles of decentralisation, deconcentration and devolution of power, cultural autonomy, regionalisation and fully-fledged local self-government and to the adoption, in recent years, of specific legal and institutional instruments causing it to become somewhat less centralized in practice, but still ranking it among the most centralised states in Europe.

The seventh institutional variable which differentiates majoritarian from consensus democracy is the concentration of legislative power in a unicameral legislature, as opposed to the division of legislative power between two equally strong and differently constituted houses. Namely, for any upper house of parliament to have influence, it must exert real power (decision-making power) and it must be

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7   Article 182 of the Constitution of the Republic of Serbia, Službeni glasnik RS, 98/06.

elected according by different criteria than the lower house. Only such a bicameral parliament shows the features typical of the consensual model of democracy. Serbia's positioning in respect of this variable is simple. The National Assembly of the Republic of Serbia is a unicameral representative body composed of 250 deputies elected by proportional electoral system, and such a structure of legislature conforms with the unitary system of Serbia.

If the constitution cannot be amended by simple majority in the legislature and if there is an independent state authority to determine whether parliamentary acts comply with the constitution, decisions by parliamentary majority will not be arbitrary and unpredictable. Hence, Lijphart contrasts flexible constitutions and the absence of judicial review as majoritarian instruments, on the one hand, and rigid constitutions and judicial review as instruments of consensus, on the other. Easily amendable constitutions, by simple majority, are flexible, and if their amendment is complicated and requires different types of qualified majorities, they are rigid. In practice, there are different levels of constitutional rigidity and flexibility, so Lijphart proposes a scale of one to four to assess the constitutional rigidity of any state. The feature of complete flexibility is the requirement for constitutional amendments to be made by simple majority of deputies, including states with unwritten constitutions. By contrast, it is possible to distinguish three levels of rigidity: approval by less than a two-thirds majority, but by more than a simple majority, adoption by a two-thirds majority or its equivalent and verification by the so-called supermajorities.

Both Serbian constitutions since the reinstatement of the multiparty system (1990 and 2006) envisage two phases in the review process: the phase of submission and approval of the proposal to amend the Constitution and the phase of adoption of the act amending the Constitution. Under the 2006 Constitution, the proposal for amendment could be submitted by a minimum of one-third of deputies (1990 Constitution required a minimum of one-fifth, or 50 deputies), by the President of the Republic, by the Government and by at least 150,000 voters (1990 Constitution allowed for a proposal on amendment to be requested by 100,000 citizens with voting rights). A proposal to amend the Constitution is adopted by a two-thirds majority of all deputies.

The drafting and reviewing the act on amending the Constitution is followed by its adoption by a two-thirds majority of deputies who can decide to have the act on amending the Constitution validated by citizens in a referendum. However, apart from the optional constitutional referendum, the National Assembly is bound to call a Republic-wide referendum, if the amendment refers to the Preamble and/or the Principles of the Constitution, human and minority rights and freedoms, governance arrangements, declaration of the state of war and emergency, derogation from human and minority rights in the state of war or emergency or procedure for amending the Constitution. Since Lijphart set a rule that in situations where different rules apply to different parts of the Constitution, "those regarding amendments to the most fundamental Articles of the Constitution should be taken

into account "(Lijphart 1999: 226), we will accept as prevailing the "firmer" review procedure which, aside from a two-thirds majority in the parliament also requires validation by citizens in a referendum. However, amendment to the Constitution is adopted if the majority of voters who turn out in a referendum vote for it, while according to the 1990 Serbian Constitution, the act on amending the Constitution had to be voted by more than half of all eligible voters.[8] It is evident that Serbia is among states with rigid constitutions. We, therefore, set the index of constitutional rigidity of the 1990 Constitution at the score of 3.3, while the current Constitution from 2006 is graded 3.1. Accordingly, the overall index of constitutional rigidity for the period from 2001 to 2010 is 3.2.

The existence of a written and rigid constitution still does not necessarily mean sufficient limitation to the arbitrariness of the parliamentary majority. If the passing and reviewing of legislation is vested in a single legislative body, it could potentially rule on any controversies arising from these laws in its own favour. Hence, in order to address this issue, it is suggested to establish independent institutions to assess the compliance of the laws passed in parliament with the constitution or to authorise regular courts to perform judicial review. In the consensus model of democracy, the constitution is protected by judicial review, while the majoritarian model is characterised by the absence of judicial review. Lijphart uses a four-type classification to weigh judicial review. First, he draws a distinction between the absence and presence of judicial review and then sets three levels of performance in the exercise of this competence by the courts (weak, medium strength and strong judicial review) (Lijphart 1999: 228-230).

The Constitutional Court of Yugoslavia and its six federal units was introduced by the Constitution of 1963. The centralized judicial review model was maintained also in the Constitutions of Serbia from 1990 and 2006, with its jurisdiction significantly expanded under the Constitution of 2006. Still, the impact of judicial review only partly depends on its formal existence and competencies vested in the Constitutional Court and much more on the frequency of its application in the legal system and the impact that political actors have on the autonomy and independence of the Constitutional Court. If we consider the formal position of constitutional courts in Serbia, we could rate judicial review as medium-strength. However, the functioning of this constitutional institution in practice and the lack of public awareness of its importance produce the effect of the "Constitutional Court existing only in the Constitution, and not in the life of the Constitution" (Marković 2007: 45).

Unsatisfactory functioning of the Constitutional Court has been the particularity of Serbia ever since the 1990 Constitution. "In Serbia, during the validity of the 1990 Constitution, the Constitutional Court had no power to preserve the legal hierarchy of the constitutional system or enforce the Constitution upon holders of executive power who were the leading authority" (Orlović 2008: 241), so we can agree with the

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8   Article 203 of the Constitution of the Republic of Serbia from 2006 (Službeni glasnik RS, 98/06) and Article 133 of the Constitution of Serbia from 1990 (Sluzbeni glasnik RS, 1/90)

assessment of Slobodan Samardžić that until now, the Constitutional Court of Serbia was "generally powerless" (Samardžić 2004: 97). During the 16 years while the 1990 Constitution was in force, the Constitutional Court challenged the provisions of 43 different laws, or slightly more than 2.5 per year. Following the adoption of the 2006 Constitution, the Constitutional Court did not function for over a year because first judges were selected only in late 2007, while five judges appointed by the Supreme Court of Cassation were selected more than three years after the passing of the Constitution, in May 2010, among the 10 candidates proposed by the High Judicial Council and State Prosecutors' Council in a joint session.

All this leads to the conclusion that constitutionality and legality, in the hierarchy of social values in Serbia, are not highly placed and that the attitude of executive power to the judiciary has not changed even after the October 5 changes, so we give the index of judicial review the score of 2.0, and we place Serbia in the category of states with weak judicial review.

The last institutional variable in the federal-unitary dimension refers to central banks and the scope of their independence and competences. Central bank independence is yet another form of power-sharing and belongs within the spectrum of features of consensus democracy. On the other hand, central banks' dependence on the executive power is a feature of the majoritarian model of democracy. However, the comparison of the autonomy of the National Bank of Serbia (NBS) with the values given in central bank independence index for 36 democracies analysed by Lijphart is not accurate for two principal reasons. First, NBS has only existed since 2003 when FRY was dissolved and the State Union of Serbia and Montenegro created. Until then, the role the central bank was played by the National Bank of Yugoslavia, so the six years of functioning of NBS do not give a good basis for generalisation. Secondly, and more importantly, the values determined by Lijphart refer mainly to the period up to the beginning of 1990's, which is followed by a rising trend of granting central banks a higher degree autonomy as a result of the adoption of the Maastricht Treaty in 1992, which foresees central bank independence as one of the conditions for participation in the euro (monetary) zone and a more prominent role of central banks which become institutions on whose capacity, foresight and efficiency economic developments in national economies will depend.

By way of an illustration, by analysing the sixteen variables of A. Cukierman, S. Web and B. Neyapti, regarding legal independence of central banks, which can be grouped into four categories (central bank governor, policy formulation, central bank's objectives and restrictions on lending), Borko Milosavljević obtained the score of 0.67, which indicates that the level of independence of NBS is not high, as the highest score on the scale is 1. By comparison to the central banks of the Czech Republic (0.77), Bulgaria (0.80) and Poland (0.95), Serbian central bank is lagging behind, while its degree of independence equals that of the Romanian central bank (Milosavljević 2009: 67-70). It is interesting to note that, on Lijphart's scale, Serbia would rank second, which best illustrates how much the level of central banks'

autonomy from executive power has increased over the last two decades. In addition, it should be taken into account that the actual independence of the NBS may be even lower considering that the index of independence is based on a survey of legal solutions, regardless of their implementation in practice.

Conclusion

On the basis of the ten researched institutional variables, it is possible to create a two-dimensional conceptual map of democracy on which the position of each state can be located and assessed in terms of its proximity to the consensual or majoritarian democracy pole. Serbia's position in the two-dimensional model is observed within two time-periods (1990-2000; 2001-2010), taking into account nine institutional variables, as index of central bank independence is excluded (Figure 1).

Compared to the last decade of 20th century, when the executive-parties dimension was closer to the majoritarian pole (0.16), Serbia, in the first decade of 21st century clearly steered away toward the consensus model of democracy (-0.96).

	To 2000	From 2001
Effective number of parliamentary parties	2,94	4,65
Level of majority element in	59,3	16
Index of executive power dominance	2,25	1,71
Index of disproportionality	11,3	4,59
Index of interest group pluralism	2,8	2,6
Index of federalism	1,3	1,4
Index of bicameralism	1	1
Index of constitutional rigidity	3,3	3,2
Index of judicial review	2	2
Index of central bank independence	0,67	0,67

Table 7: Serbia - institutional variables

This shift is greater than a standard deviation (1.12). If we consider that in the 26 states studied by Lijphart in two periods (1946-1970; 1971-1996) there were only small variations and that no state turned from purely majoritarian into a consensus democracy and vice versa, and that in the first dimension an average shift towards the consensual pole was 0.03 of a standard deviation, it is clear that, in the executive-parties dimension, Serbia is an example of transformation towards consensus democracy. When it comes to the federal-unitary dimension, the scores for Serbia are 0.32 (1990-2000) and 0.33 (2001-2010). Unlike the first, there is almost no shift in the second dimension.
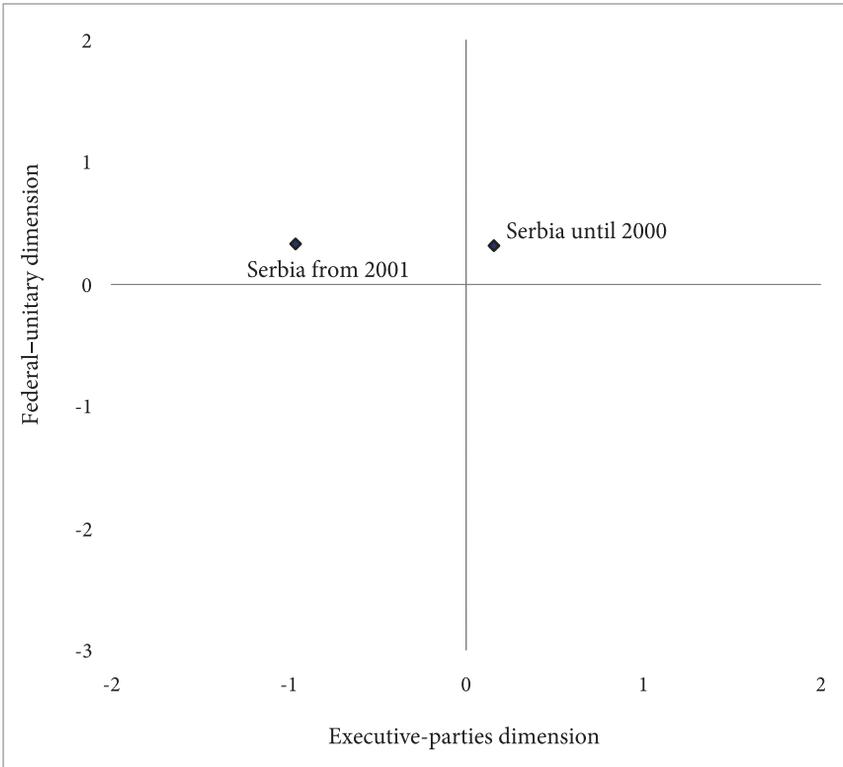
Figure 1: The position of Serbia on Lijphart's conceptual map

As we have shown, by observing the first dimension which Lijphart considers to be more important for the functioning of democracy, Serbia has passed from the majoritarian (1990-2000) to consensus democracy (2001-2010). Still, did this process result in fundamental changes in policymaking and is it possible to detect a link between such transformation and the weakening of ideological and political cleavages that pose a major obstacle for the consolidation of democracy in Serbia? Does the functioning of consensual institutions help in overcoming complex identity rifts and symbolic conflicts and in achieving a basic consensus on basic issues of the Serbian state and society?

During the nineties, party lines of separation were extremely sharp, and "civic" and "national" options were not inclined to reaching a compromise through negotiations. Conflict, mutual accusations, lack of desire to reach a consensus as features of the Serbian party scene are partly the consequence of the functioning of the majoritarian democracy model. As a starting point for the reshuffling of the

party scene and shift within the political and social sphere in Serbia in the form of a re-conceptualisation of the principles, objectives and means of political action, we recall 2003, when the minority government of Vojislav Koštunica was supported by SPS. It was followed by the adoption of the new Constitution in 2006, whose text was agreed through a broad consensus of almost all relevant political parties. Today, we have a coalition government composed of formerly irreconcilable enemies, Democratic Party (DS) and SPS, and the emergence of the Serbian Progressive Party (SNS), which appears as a party with significant coalition potential, which shows that the dividing lines are becoming more blurred and cooperation among the party leaders and elites more intense. Although there is no agreement on all issues, there is a clear intention to reach consensus on most pressing issues.

If we understand political parties as secondary agents of political socialisation, the anticipated effect of strengthening cooperation among Serbian parties would have to result in decreasing the depth of social divisions. Yet, the split into the nationalist and civic orientation in the Serbian society is not subsiding yet, in the first decade of the 21st century, and it can be observed in the form of cultural and value division into the traditional and modern Serbia. The intensity of the ideological and political rifts among Serbia's citizens is still strong and the political elites will have to work hard to mitigate them.[9] Changing the citizens' attitudes still requires more time than the changes in party policies, and significant in the pursuit of these aims will be the preservation of consensual institutions and based upon them, the policy of cooperation and compromise-seeking through negotiations.

Bibliography

Vukomanović, D. (2005) "Dinamika partijskog sistema Srbije (1990-2005)". *Srpska politička misao*, 14 (1-2): 29-52.

Vučićević, D. (2009) "Manipulativni uticaj izborne jedinice". *Srpska politička misao,* 23(1): 179-210.

Goati, V. (2004) *Partije i partijski sistemi Srbije*. Niš: OGI Centar;.

Đorđević, S. (2008) "Evropski standardi u oblasti lokalna samouprava – dometi reforme u Srbiji", in: *Decentralizacija u kontekstu novog Ustava Srbije i EU integracija*, Novi Sad: Centar za regionalizam, 89-115.

Jovanović, M. (1997) *Izborni sistemi – izbori u Srbiji 1990-1996*. Beograd: Institut za političke studije, Službeni glasnik.

Jovanović, M. (2008) *Političke institucije u političkom sistemu Srbije*. Beograd: Institut za političke studije.

Komšić, J. Pantić, D. & Slavujević, Z. (2003) *Osnovne linije partijskih podela i mogući pravci političkog pregrupisavanja u Srbiji*. Beograd: Institut društvenih nauka, Friedrich Ebert Stiftung.

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9   Cf: Jovan Komšić, Dragomir Pantić, Zoran Slavujević, *Основне линије партијских подела и могући правци политичког прегруписавања у Србији* Institut društvenih nauka Friedrich Ebert Stiftung, Belgrade 2003; Reports of the Centre for Free Elections and Democracy (September 2009, December 2009, February 2010)

Laakso, M. & Taagepera, R. (1979) „Effective Number of Parties: A Measure with Application to Western Europe". *Comparative Political Studies*, 12 (1): 3-27.

Lijphart, A. (1984) *Democracies: Patterns of Majoritarian & Consensus Government in Twenty-One Countries*, New Haven: Yale University Press.

Lijphart, A. (1992) *Demokracija u pluralnim društvima*. Zagreb: Globus.

Lijphart, A. (1999) *Modeli demokratije.* Podgorica: CID.

Linz, H. & Stepan, A. (1998) *Demokratska tranzicija i konsolidacija (Južna Evropa, Južna Amerika i postkomunistička Evropa)*. Beograd: Filip Visnjić.

Markovic, R. (2007) "Ustavni sud u Ustavu Republike Srbije od 2006.godine". *Anali Pravnog fakulteta u Beogradu*, LV(2): 19-46.

Milosavljević, B. (2009) "Nezavisnost Narodne banke Srbije". *Industrija*, 37 (1): 57-74.

Nenadić, B. (ed.) (2009) *Ustavni sud Republike Srbije 1963-2008*. Beograd: Službeni glasnik.

Orlović, S. (2008) *Politički život Srbije – između partokratije i demokratije*. Beograd: Službeni glasnik.

Orlović, S. (2008) "Ustavni sud Republike Srbije u pravu i politici". *Srpska politička misao*, 22(4): 239-252.

Samardžić, S. (2004) "Sistem vlasti u novom ustavu Srbije". *Ustavni sud Srbije – u susret novom ustavu*, Beograd: Ustavni sud Srbije, 91-98.

Stojiljković, Z. (2008) *Konflikt i/ili dijalog*. Beograd: Čigoja.

Stojiljković, Z. (2008) *Partijski system Srbije*. Beograd: Službeni glasnik.

Ustav Republike Srbije iz 1990.godine (Constitution of the Republic of Serbia from 1990), Službeni glasnik RS, 1/90.

Ustav Republike Srbije iz 2006. godine (Constitution of the Republic of Serbia from 2006), Službeni glasnik RS, 98/06.

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Bring Back the State:
New Challenges of Stabilization in the Former Yugoslav Territories

Abstract

This article examines the political context of new challenges in stabilization in the Former Yugoslav Territories same as breaking the veil of secrecy in the Former Yugoslav Territories. While debates over the dissolution of Yugoslavia have extended into the spheres of history, education and public space, this article focuses on the principles of apology, reconciliation, international law and on importance of cover-ups in archives, in our region.

Key words: stabilization, Yugoslavia, justice, reconciliation, cover-ups.

Introduction

After the end of the Cold War, and especially during the last fifteen years, the human need to right the immoral wrongs has been expressed in political discourse as a propensity to apologize for acts of past injustice. Nicholas Tavuchis was among the first scholars to take up the subject of these political apologies, and his text: „Mea Culpa: A Sociology of Apology and Reconciliation" still serves as a historical starting point for the field. Tavuchis regarded apology as one of the „deep truths" of social life and as a „moral expedition" which could repair damaged social relations and allow the parties of past injustices to go on with their lives (Barkan and Karn 2006: 5). From Argentina, to South Africa, to ex-Yugoslav countries, to the United States - societies and international institutions are deciding how they should reckon with past and atrocities (including war crimes, crimes against humanity, genocide, rape and torture) that may have been committed by a government against its own citizens, by its opponents, or by combatants in an international armed conflict.

One of the possible ways to deal with the past injustices, is to research the past without bias and prejudices which is impossible, even as a first step, if we are faced with controlled and closed archives with valuable documents that can shed light into our past. Following the decline of the Soviet bloc, communist parties lost legitimacy everywhere except in Asia, creating a power vacuum into which nationalist parties were sucked as a viable alternative. Most of the communists became nationalists. According to that, while we are focusing on nationalism, when we are trying to examine the dissolution of Yugoslavia, we are ignoring communism, as if Yugoslav history began in 1989. But if „incumbents" were as important to the onset of these wars as „insurgents", then the action and inaction of the communist elites were as critical to the onset of war as those of nationalists. Indeed, we can view the mentality of those who waged the wars as essentialy communist, because most actors were trained by the Party and most nationalists came from the ranks of the SKJ (League of Communists), whose inaffective repression and belated liberalization provoked the „dogs of war" (Eckstein 1965: 141-142, 145-147, 153-155).

The Collapse of the Communist System

So, the nationalism and national tension were not only the fruits of an emigre conspiracy nor the creation of a few ideologues, but they are also an offspring of a regime which controlled its nationalities by favouring some and suppresing others. The collapse of SKJ set the stage for conflict and war because it left Yugoslavia with nonlegitimate authority. But the subsequent wars were not merely epiphenomena occasioned by a search for legitimacy; they were also the result of conflicting assertions of legitimacy by the warring sides, who set the concept of „self-determination", broadly interpreted, against the legal status quo (Ibidem: 150). Some of Croatian's Serbs rejected both Tuđman's nationalistic party and Croatian state, just as some Serbs and Croats in Bosnia-Herzegovina rejected the SDA and the Bosnian state, and all non-Serbs rejected Milošević's vision of a Yugoslavia dominated by Belgrade. Unfortunately, democratization and pluralism in Yugoslavia have not led to the easing of political tensions. Instead, they have given rise to ethnic-based political parties that are helping tear the federation apart and give voice to virulent nationalist hatreds. Serbs, Croats, Slovenes, Muslims, Albanians, Macedonians, and a host of other peoples are fixated on the past, with its mass killings, betrayals, forced migrations and „lost" territories (CIA 1991: 135). Without a consensus regarding legitimate authority, there was no way to first prevent, then halt, the chronic, if often dormant, conflict among Yugoslavia's peoples and republics from turning violent.

The collapse of the communist system in Eastern Europe the late 1980s created a political vacuum that was filled by resurgent nationalist movements, which proved fatal for a multiethnic country such as Yugoslavia. Also the commuist fall from power „breached the dams of memory and counter - memory, which fundamentally changed the collective identity present in region" (Pavlaković 2008: 115).

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Also, it is important to mention the influence of the economic and social crises in dissolution of Yugoslavia and the outbreak of war between 1991-1995, which played as important of a role as unresolved national question. Yugoslavia's economic crises led the CIA to predict the country's collapse if it did not resolve its economic problems (CIA, 1990). Its unresolved national question also a played role. But, the question remains why the conflict became acute. Yugoslavia was a divided society which had been in crises for most of its history, but only in 1941 and 1991 did it experience bloody internal wars (Bilandžić 2001: 307).

Inside of that question, we can observe cultural differences. They also played a role. Adherents of the Catholic, Ortodox, and Islamic faiths, who were closely identified with national groups, hold different ideas about concrete realities, not just about ritual and the afterlife. Different regions had also developed their own dinstinct customs, mores, and cultures, including attitudes toward the organisation of society and the economy. Efforts by the SKJ to supress, neutralize, balance, and even out these differences after 1945 were no more successful than those by King Alexandar after 1929 and all of them done it with covering up the documents of the past. It is not necessary to agree completely with Samuel Huntington to recognize that human populations are not uniform, and that culture is bound up with individual identity, marking and reinforcing national divisions. Even if the communists tryed to create Yugoslavia as a multi-cultural paradise, they failed (Botev 1994; Hodson, Sekulić and Massey 1994).

But Yugoslavia still might have survived, had only the „insurgents" acted to destroy it. But in reality, the country's „incumbents" had either lost interest in maintaining the system or had joined the insurgents by 1991. The events of the 1980s including the transformation of the USSR prior to 1989 and the events in Eastern Europe after the Berlin Wall came down and the Soviet bloc disintegrated, were critical to changes in Yugoslavia because they offered a new psychological orientation which allowed all Yugoslavs to envision a future radically different from the past, and encouraged some to seize control of the system and shape it to their own ends.

Also it is important to mentioned that identification of territory with ethnic belonging was and is the one of the most problematic legacies in the tradition of the former Yugoslav nations and in fact it is the legacy of the classic Central European ideology of the nation state (see: Mann 2005; Kramer, Dzihic 2005). This kind of identification prevents the application of the citizenship concept to create ethnically neutral territories with multiple identities. The tendency is sometimes reinforced by the international community when it caves in to threats of territorial separation by ethno-national leaders, thereby rewarding them by permitting consolidation of their grip on ethically conceived constituencies. Contrary to their efforts, situation on the filed is usually devastatingly.

For example, The Dayton Peace Agreement in Bosnia and Herzegovina set the pace for conflict settlement in the Balkan wars. A closer look into the institutional arrangements foreseen in the Annexes reveals that the drafters of the Dayton

constitution followed the model of consociational democracy for post-conflict reconstruction. Dayton was therefore based, firstly, on territorial separation into entities end cantons mostly following ethnic lines, thereby also cementing the ethnic separation of the population. Secondly, on the state level, all institutions were formed on the basis of the rules of proportional ethnic representation and mutual veto power in order to create the necessary trust for elite consensus through power sharing. The situation alowed the ethno-nationalist parties such as SDA, HDZ and SDS to convince their electorates that they were the only reliable defenders of their respective „national interests" and to reinforce their grip on power and prevent any inter-ethnic co-operation on both mass and elite levels. A similar conclusion results from an analysis of the reconstruction efforts of the United Nations Mission in Kosovo (UNMIK) following Security Council Resolution 1244 (see: Kramer, Dzihic 2005). Based on ambiguous political compromise of „territorial integrity for the Former republic of Yugoslavia and substantial autonomy for Kosovo", the UNMIK administration created a de-facto independent state under international protection with serious deficiencies as far as security, political stability, effective state administration and democratic governance are concerned. The March 2004 riots, including killing, looting, and ethnic cleansing of the Serbs and other minorities revealed that not even basic physical security could effectively be secured by KFOR and UNMIK. The economy is constantly on the brink of collapse, with a theoretical need to employ 30 000 newcomers on the formal labor market each year only to preserve a 70 percent unemployment rate.

The Challenges of the State Re-construction and cover-ups of the historic truth

So, the challenges of the state re-construction in the Western Balkan countries make clear that there has not been too much „state" as such, but rather an absense of the effective exercise of state power where it is absolutely required. The problem, therefore, is not deregulation and liberalization, but how to „bring back the state" in order to provide good governance as a prerequisite for the reconstruction and reconciliation of weak peace in weak states and devided societies. If the long-term goal is in fact economic growth and EU-integration, development requires and effective state for rule-making as well as rule-implementation and rule-adjudication. These are vital functions that cannot be left exclusively to private agents or international agencies.

These new challenges of creating a stable political and constitutional framework for sustainable economic growth and the management of cultural diversity cannot be met with old concepts or by simply transferring Western European development trends to South East Europe. The idea of a „belated" modernization process, and thus the need simply to catch-up, will not-in the best case-help at all, but probably make things even worse. The legacies of the Western and Cetral European ideologies of the nation state, which refuse to recognize ethnic identities on an equal footing

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and therefore end up promoting either assimilation, segregation, ethnic cleansing, or genocide are precisely the problem, and in no way the cure. The same holds true for the „conundrums of liberalism": in ethnically divided societies, a strict focus on individual rights, non-discrimination, and the majority principle has never been and will never be accepted as a framework for legitimate governance.

Finally, only through a complex process of expanded cultural autonomy and social, economic, and political integration through effective representation and participation on the various municipal, regional, national, and supra-national levels, can the functions of every political system (stability, efficiency, and democracy) be achieved. In addition, the traps of ideological dichotomies and their either - or logic have to be avoided by balancing different concepts and competing interests. In place of territorial and institutional separation based on a belief in ethnic homogenity and the identification of ethnicity and territory, only pluri-ethnic autonomy and integration based on multiple identities and loyalties and the de-coupling of territory and ethnicity can serve as guidelines for state and nation-building in post-conflict societies. This is certanly the case in contemporary Europe, and probably elsewhere as well (Marko 2007: 73, 77).

Even beside all these reasons for dissolution of Yugoslavia, bring back the state and reconciliation process - covering up the historic truth for reasons of higher interests of one's party, nation or political option is one of the more significant causes of wars between the peoples of Yugoslavia. At the time of the socialist Yugoslavia, this kind of policy was - to certain extent - pursued by the leadership of the Communist party, allthough they nominally condemned the use of conflicts for resolution of disputes in the Yugoslav society. The SKJ pursued this position also through cultural and scientific institutions, which left a trace in the professional and scientific achievements of these institutions (State archive, Belgrade 1980: 67-69; 93-94).

At the time of the dissolution of the Second Yugoslavia, which happened during the war 1991-1999, in which period numerous war crimes were committed, the nationalist civil and military structures invested a lot of effort avoiding to leave any trace of their actions. They are the ones who, even after war, did not do anything to establish any national systems for the protection of cultural events (as sources of information), in line with international regulations. These new forms of covering up the historic truth have grown into closed national systems, which were directly and absolutely opposed to the need to reach scientific insights into what happened during the war on the other side (Kožar 1997: 19-35, Kožar 2005: 177). Not even the international community can be said to have yet identified the full weight of such conduct for both current, but also future international relations.

Due to all this, both the intentional and non-intentional cover-ups of the historic truth about the causes of conflicts among South Slavs only prolong the existing conflicts and bring about new conflicts with even more perilous consequences (Kožar 2005: 182).

According to that, on the other side, if we are faced with these cover-ups, and nationalism that ruined our lives in last two decades and if we still want to make steps forward to do away with nationalism and try to create civil society, and face the past through documents as historians are doing, it is imperative for all of us from ex-Yugoslav territories to work on apologies and reconciliation. That process is going in three phases.

The Challenges of the State Re-construction and Group Apology

Group apology is first step, and it represents a new and compeling iteration of our commitment to moral practice. Despite new tensions and escalating hostilities associated with what some view as the new world disorder, apology remains a powerful trend in global politics. Even as cycles of violence emerge in some spots, in others, we see rival groups willing to put their troubled histories in the service of justice and peace. A wave of apology continues to work its way through global politics. In September 2003, the presidents of Croatia and Serbia -Montenegro expectedly exchanged apologies for „all of the evils" perpetrated by their countries.[1]

In the best cases, the negotiation of apology works to promote dialogue, tolerance, and cooperation between groups knitted together uncomfortably (or ripper asunder) by some past injustice. A sincere expression of remorse, offered at the right pitch and tenor, can pave the way for atonement and reconciliation by promoting mutual understanding and by highlighting the posibilities for peaceful coexistence. Praticed within its limits, apology can create a new framework in which groups may rehearse their past(s) and reconsider the present. By approaching their grievances through a discourse of repentance and forgiveness, rivals can explore the roots and legacies of historical conflict as a first step toward dampening the discord and frictions that they produced. It is possible, of course, to overstate the effectiveness of apology, but the psychological attraction it has for perpetrators, victims, and those who live in the shadow of historical injustice seems empirically undeniable. Especially at the group level, apology has emerged as a powerful negotiating tool for nations and states eager to defuse tensions stemming from past injustices (Barkan and Karn 2006: 7). It is important to mention, that dialogue, in general, is only the first step in the longer process of post-conflict reconciliation. Reconciliation requires the sides of the conflict to accept their own past first, and only then to reach an understanding of the shared past.

One of the non-governmental organisations is working on reconciliation in the region on that base. The name of that organisation is Center for History,

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1 Los Angeles Times,September 11, 2003. Dusan Janjic of the Forum for Ethnic Relations welcomed the apologies as „symbol of a new culture".

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Democracy and Reconciliation (CHDR) and it is based in Novi Sad, Serbia. CHDR is working on reconciliation process through different scholar projects, teaching and documentary movies.

The aim of these projects is to enhance local post-conflict reconciliation efforts and trust-building among ethnic groups. In the last one project, CHDR is using Croatia, a Yugoslav successor state, as a lens through which this can be studied, the project focuses primarily on Serbo-Croatian relations. As the Serbs and the Croats are the two largest nationalities in the region, the conflict between the two groups in the early 1980's and 1990's is credited with planting the seeds for the breakup of the former Yugoslavia. Although most similar activities worldwide (and in the former Yugoslav region) have been carried out at the state, national, multinational and macro-regional levels, the project organizers believe that post-conflict recovery, reconstruction, and prevention of future conflicts will be most successful if achieved on the local level amongst civil society. Thus far, CHDR model has proved successful and is now in its third year.

The problem that CHDR address is the general failure of reversing ethnic cleansing. This has always been an issue evident locally, but is becoming increasingly apparent internationally, both at the macro level-growing sectarianism and distrust based on cultural differences, declining number of ethnically mixed communities - and at the micro local level - the lack of returnees and incidents of sporadic attacks on Serbs who visit Croatia. The project aims to highlight a counter example of sustained reconciliation that is nurtured foremost by local leaders and is supported by civil society and political parties from the three larger republics of the former Yugoslavia. It includes the development of a strong support network, economically and culturally, and the strong involvement of academics.

In contrast to frequent efforts to deny or repress the past as a form of conflict resolution, this project aims to use the past as a means of coexistence as well as of conflict, and seeks to legitimate and acknowledge the various constituencies of the region. By building reconciliation into the core fabric of society and enhancing the economics of reconciliation, the project provides a linchpin for transforming society from dependency to an economically viable community that fosters ethnic heterogeneity.

During and after the war in Croatia and Bosnia-Herzegovina (1991-1995) many countries generously provided humanitarian aid to all parts of the region affected by war. Here CHDR will highlight two specific examples of post-conflict recovery undertaken by the United States. The US insisted on "reversal of the outcomes of ethnic cleansing" i.e. jointly with region's governments, implementing a policy of assisting repatriation of refugees to "ethnically cleansed" areas and rebuilding facilities needed for normalization of daily life.

For example, in Croatia, local US peacekeeping forces donated $450,000 for rebuilding of a student housing center in the city of Vukovar. In February 2010, James Foley, the US Ambassador to Croatia, opened the modern center for 150 students.

It was a generous and hopeful example. Yet, the one-time serene multiethnic city on the Danube remains separated into two hostile communities; newspapers continue reporting on sporadic fights between Serb and Croat high school students.

Another similar example occurred in Kistanje. As early as 1997, the US government donated $400,000 for the construction of 120 new homes to accommodate refugees in this Croatian village, now empty of its prominent pre-war Serb community. Even monks from the nearby Krka monastery, the major Serb Orthodox Church's shrine in Croatia, escaped with the exodus of the summer of 1995. For three years the monastery was empty, though historically it had never been abandoned, not even by monks under five centuries of Ottoman Turkish rule.

Other such examples are numerous, and the peacebuilding role played by the United States in this part of the world is well known. Despite these efforts, unfortunately, "ethnic cleansing" in many areas has succeeded - most notably in Bosnia-Herzegovina. In Croatia, the pre-war 78% ethnic (64% Roman Catholic) Croat majority after the war have become 96% Croat-Catholic, most probably caused by the flight of the predominantly Eastern Orthodox ethnic Serbs from the region.

It is well known that benevolent intentions do not always produce the outcomes desired by donors and peacebuilders. Analogous to the international community's conflict resolution effort during the war, many factors aggravate conflict resolution and post-conflict renewal. For example, in the case of the village of Kistanje US Ambassador William Montgomery made it clear during his visit in 1997 that the new homes were for Serbs displaced after Croatian Army's military defeat of the rebel Serb enclave in the summer of 1995.

Yet, while visiting the nearby one-time majority Serb town of Knin, he could already sense unfolding problems. The Croat mayor of Knin, a city where few Serbs returned, informed him of a large number of Croat refugees from Bosnia-Herzegovina now inhabiting vacant homes owned by runaway Serbs. The Ambassador promised assistance for Croat refugees too, provided they left Serb homes to facilitate Serb refugee return. In 1999, the US ambassador opened newly built homes in Kistanje expecting return of Serb refugees. However, in anticipation of the growth of the village into a large Croat urban center, the Croat government gave new homes to 1,200 Croat settlers, 600 of them under age of 18 and 200 pre-school children. These settlers had actually come from a Catholic community from the province of Kosovo, lured by regime's promises of a prosperous life in Croatia instead of living in the most unstable and poorest Balkan province.

This example is the direct outcome of ideology that had spurred war in former Yugoslavia. During the 1980s, ethnic nationalistic propaganda from new nationalist movements in the three major groups, namely, the Serbs, Croats and Bosnian Muslims, called for resolution of crisis in the multiethnic nation by what they called "humanitarian resettlement" and "benevolent population exchanges" aimed at creating ethnically and religiously homogenous nation-states amidst one of the most remarkably culturally diverse parts of the world. The consequences were tragic.

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The newcomers in "New Kistanje", many of whom war veterans of the Croat Army, later become gravely disappointed by their community stagnation and began criticizing the Croatian government. No prosperity or even fundamental living conditions been created there or in vicinity. On September 18th 2010, the new US Ambassador to Croatia, James Foley visited the Knin area including the village of "Novo Kistanje" ("New Kistanje"). The Americans were interested primarily in the process of repatriation of the expelled Serbs. There, they found no Serbs but instead encountered a "Croat-only" village and three Croat war veterans on a hunger strike. The Ambassador learned from these men that the government and the international community had let them down; that all villagers live on social welfare, had no asphalt on their streets, no road connection with any major town, no kindergarten, no employment opportunities and that the government even shut down the water supply due to four years of non-payment for water bills. The ambassador promised help, continued his visit and gathered similar stories during the rest of his trip across formerly Serb populated parts of Croatia. In short, it was obvious that "ethnic cleansing" had largely succeeded. In Croatia, only about 50,000 ethnic Serbs out of the nearly 200,000 that left in 1995 have returned to places of their origin while some 80,000 Bosnian Croats inhabited the formerly Serb-populated "soft-belly" of Croatia known during the war as the rebellious "Serb Republic of Krajina". In the neighboring Bosnia-Herzegovina the damage done by the wartime "ethnic engineering" to the old social fabric was even worse.

Nevertheless, if the Ambassador wished to see a successful example of what is described as USIP's mandate of promoting post-conflict stability and development, he could have visited village of Golubić. At that time, he probably was not informed about it. It was also in the one-time predominantly Serb-populated parts of Croatia, near the town of Obrovac in the hinterland of the ancient coastal city and tourist landmark of Zadar. Heavy fighting took place there during the war and the local Serbs also joined the exodus of the summer of 1995 leaving homes and farms to be looted and burnt to the ground. But ten years later many returned to stay. And this has been achieved not by the government of any country but mostly by the people themselves, the villagers and their friends and relatives with aid of non-governmental groups and human rights advocates from Croatia and Serbia. As the result, the returnees at Golubić have revitalized the area and restored normal life. This is a story about how things can be changed for the better by citizens' activism "from below." Although only one fifth of the pre-war population had, those who did were glad to have done so. Some farmers turned to ecological tourism hosting annual scholarly conferences started by CHDR in 2008. The nearby historic Orthodox monastery "Krupa" revived annual pilgrimages. In 2010, this obscure village, during the scholarly conference and dialogue of ethnic minority parties taking place there, appeared on prime-time programs of several national TV stations in the region.

In 2008, in Golubić, CHDR organized scholars from Serbia and Croatia to call a public attention to the refugee repatriation issue and discuss controversies over the war and problems of transition. As landmines were cleared from the village,

roads, and farmland and burnt homes still stood amidst the renewed ones, TV cameras that arrived to cover the meeting captured a reborn community. The administration of the nearby town of Obrovac (once a Serb town but now with a Croat majority) led by moderate Croat politicians, took care of cultivation of interethnic relations. Thus a town that had been "de-serbianized" and "croatized" by war and a nearby village re-populated by returning Serb refugees, not only lives in peaceful coexistence, but cooperates and work together. Therefore the Golubić case can serve as a role-model for the whole region and a center from which "missionaries of peace" will be dispatched in similar areas to bring to rural communities similar events.

The reversal of "ethnic cleansing" seems as a quixotic adventure but it has to be done or at least attempted because a liberal democratic modern society must not tolerate so evident triumph of evil. Croatia, for example (like nearby Bosnia or Vojvodina) has always in its long history been a pluralistic, multiethnic and multiconfessional society. Yet, according to the census of 2001, Croatia today is an ethnically homogenous country with 89,6% ethnic Croats and 90% Catholics by religion (the official nationalism takes for granted that very patriotic Croat must be a Catholic as opposed to Eastern Orthodox Serbs or the common language-speaking Bosniaks who have no other option but to be Muslims). Before the war, according to the census of 1991, ethnic Croats made up 78,1% of the population (64% declared as Roman Catholics), with many other groups prominently represented in Croatia as their homeland for many centuries. There used to be in Croatia 12.2% Serbs traditionally of Eastern Orthodox faith. Some 2.2% of the population of Croatia considered themselves, "Yugoslavs by nationality" (mostly from Serbo-Croat mixed marriages). Also, nearly 1% of Croatia's citizens were Bosnian Muslims and lesser but noteworthy percentages of Italians, Jews, Hungarians, Germans, Austrians, Poles, Slovaks, Ukrainians, Slovenians, Romanians, Roma (Gypsy) and so on. According to the census of 2001, the number of Serbs in Croatia dropped to some 4,5%. As a matter of fact, since 1941, Croatia has almost completely lost its three historic ethnic minority groups whose members made significant contribution to the nation's culture and development, namely Jews, Italians and Serbs. Unfortunately, the post -1991 ethnic nationalistic ideology has taught patriotic Croats that the loss of non-Croats should be considered some kind of national "victory" and "liberation". The first postcommunist President Tuđman called non-Croats, particularly Serbs, a "disturbing factor".

To conclude, it is evident that this reconciliation content is promoting post-conflict stability and development but also increasing peacebuilding capacity, tools and intellectual capital worldwide. In addition, CHDR and AHCR focus on the local, our "battle for villages, small towns and provinces" is unique in the region.

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The Challenges of the State Re-construction, Trials, Truth Commissions and Forgivness

If the apology is the first way of how to resolve the clashes and national tensions, the second consists of trials and truth commissions that can work cooperatively, each responsible for emphasizing one of the two ideals - punishment and reconciliation - but not completely ignoring the other. It is better if neither tool is overloaded with functions that the other can perform better. For example, the International Criminal Tribunal for the Former Yugoslavia has indicted, has put on trial, and is punishing some middle-level implementers, some high military commanders, former presidents, and other allegend planners of atrocities in Bosnia. In contrast, a proposed truth and reconciliation commission, comprised of representatives of the Serb, Croat, and Muslim communities, could investigate and deliberate together concerning the truth about past. This kind of investigation and a resultant authorized report would partially settle accounts with the great number of rank-and-file rights violators. Such a report would also go beyond the scope of judicial processes - recognize and applaud those from all sides who found ways to aid their ethnically diverse and endangered neighbours (Kritz, Steubner 1998).

The relations of trials and truth commissions can be complementary in a stronger sense, because each body may enhance as well as supplement the other. Fair trials and punishment may contribute to the reconcilition and truth sought by truth commissions. On the one hand, if victims believe that their testimony might be used by national or international tribunals to bring perpetrators to justice, this knowledge can also satisfy the thirst for justice and lead to healing. On the other hand, the evidence that truth commissions unearth may have a positive role to play in judical proceedings. Moreover, truth commissions, after evaluating the fairness and independence of a country's judicial system, might recommend judicial reform or argue that an international tribunal should have jurisdiction (Crocker 2006: 73-74).

At the end comes forgiveness. It is a Christian morality, or rather its secular embodiment, which have raised forgiveness to the status of supreme, even constitutive value. Not only has Christianity emphasized internal transformative capacities, but it has also put suffering and its redemption at the core. The best that can be done in these circumstances is to implement legal justice, even thought both are very much aware that justice cannot be done anymore. Jankelevitch wrote his essay in the midst of the French debate regarding the imprescriptability of Nazi Crimes. For him, pardon is equal to forgetting Crimes against Jews and true Crimes against Humanity, against the human essence. They cannot be pardoned. He also does not belive in German repentance: „German Repentance, its name is Stalingrad... it's name is defeat" (Jankelevitch 1996: 3). For all these reasons, it may have nothing to do with the term reconciliation as we use it today, which is understood entirely in a social and political perspective that is completely indenpendent of personal feelings. No one expects the victims to forgive anyone, but the social process of receiving restitution and procesess

of political forgiveness can still legitimately be considered a part of the reconciliation process. At the end, it is important to conclude that despite its Christian origins and western dominance, it would be erroneous to conceive of these developments as a new form of „moral imperialism".

The collapse of the communist system in Eastern Europe in the late 1980s created a political vacuum that was filled by resurgent nationalist movements, which proved fatal for a multiethnic country such as Yugoslavia. Also, it is important to mention the influence of the economic and social crises in dissolution of Yugoslavia and the outbreak of war between 1991-1995, which played as important of a role as unresolved national question. Inside of that question, we must observe cultural differences and the influence of religion. They also played a role in breaking the state and building the new once national states in the Ex Yugoslavia. One of the possible ways to deal with the past injustices, is to research the past without bias and prejudices which is impossible, even as a first step, if we are faced with controlled and closed archives with valuable documents that can shed light into our past. At the time of the dissolution of the Second Yugoslavia, which happened during the war 1991-1999, in which period numerous war crimes were committed, the nationalist civil and military structures invested a lot of effort avoiding to leave any trace of their actions. They are the ones who, even after war, did not do anything to establish any national systems for the protection of cultural events (as sources of information), in line with international regulations. According to that, on the other side, if we are faced with these cover-ups, and nationalism that ruined our lives in last two decades and if we still want to make steps forward to do away with nationalism and try to create civil society, and face the past through documents as historians are doing, it is imperative for all of us from ex-Yugoslav territories to work on apologies and reconciliation. That process is going in three phases: group apology, trials and truth commissions and at the end comes forgiveness.

Bibliography

Barkan E. and Karn, A. (eds.) (2006) *Taking Wrongs Seriously: Apologies and Reconciliation*. Stanford, CA: Stanford University Press.

Bilandžić D. (2001) *Propast Jugoslavije i stvaranje moderne Hrvatske. Eseji, članci, interviewi, analize, izvješća, izjave*. Zagreb: AGM.

Botev N. (1994) „Where East Meets West: Ethnic Intermarriage in the Former Yugoslavia, 1962-1989". *American Sociological Review,* 59: 461-480.

CIA (1990) National Intelligence Estimate, October 1, 1990. *Yugoslavia Transformed*.

CIA (1991) Directorate of Intelligence, March 14, 1991. *Yugoslavia's Ethnic Conflict and Its Regional Fallout*, Summary.

Crocker D. (2006) „Punishment, Reconciliation, and Democratic Deliberation", in: Barkan E. and Karn, A. (eds.) *Taking Wrongs Seriously: Apologies and Reconciliation*. Stanford, CA: Stanford University Press, pp. 50-82.

Eckstein H. (1965) „On the Etiology of Internal Wars". *History and Theory* 4: 133-163.

Hodson R., Sekulić D. and Massey G. (1994) „National Tolerance in the Former Yugoslavia". *American Journal of Socilogy*, 99(6): 1534-1558.

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in the Former Yugoslav Territories

Jankelevitch V. (1996) „Should We Pardon Them". *Critical Inquiry,* 22: 552-572.

Marko, J. (2007) "Constitutions and Good Governance: Challenges for Post – Conflict Reconstruction and EU – Integration", in: Bianchini, S., Marko, J., Nation, C. and Uvalić, M. (eds.) *Regional Cooperation, Peace Enforcement, and The Role of The Treaties in The Balkans,* Ravenna: A. Longo Editore, 65-78.

Kožar A. (1997) *Međunarodni i nacionalni sistem zaštite kulturnih dobara u ratnim okolnostima.* Tuzla: ZRFF.

Kožar A. (2005) „Zataškavanje historijske istine, uzrok novih nesporazuma", in: Graovac, I. (ur.) *Dijalog.* Zagreb: Friedrich Naumann Stiftung.

Kramer H., Dzihic V. (2005) *Kosovo Bilanz.* Wien: Scheitert die internationale Gemeinschaft.

Kritz N. and Steubner W. (1998) „A Truth Commission for Bosnia and Herzegovina: Why, How, and When?", paper presented at the Victimology Symposium, Sarajevo, Bosnia, May 9-10, 1998.

Mann M. (2004) *The Dark Side of Democracy. Explaining Ethnic Cleansing.* Cambridge: Cambridge University Press.

Pavlakovic V. (2008) „Flirting with Fascism: The Ustaša legacy and Croatian Politics in the 1990s", paper presented at the conference „Shared History and the Second World War and National Question in Yugoslavia", Tres Culturas Foundation, Seville (Spain), January 31 - February 2, 2008.

State Archive, Belgrade (1980) Archive fond and collections in SFRY.

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Political Myths of Liberalism: Freedom, Power And Inequality

Abstract

Power and inequality have been established as dominant postulates of liberal political and economic constitution, as the highest values around which its political-economic essence is being constituted. Nevertheless, there are numerous myths which surround this hidden core of liberal political practice. This essay will provide an analysis of various liberal myths: from liberal state, through the connection between liberalism and democracy, to globalization. In the second part of this essay, the focus will be on Serbia and its modern history regarding "implementation" of liberal ideology and its practices.

Key words: political myths, liberalism, power, inequality.

All big political ideologies of Modernism have been created on the basis of the need to rationalize and organize the world in a triangle of three important political values: freedom, brotherhood and unity. After French Bourgeoisie Revolution, the modern world started to be constituted and configure through actions of three political ideologies (Liberalism, Conservatism, Socialism), but also through their conflicts and struggles. Besides different interests, one of the more significant reasons of their conflicts, amongst others, was different understanding and valuation of these political values. Conflicts and political struggles contributed to stronger mythologization and mystification of political and ideological field. Everything was mystified and mythified, both own ideological postulates (self-mystification) and political struggle as well, dogmas of competitors' ideologies, their leaders, parties and political practice itself. Processes of creating myths, as usual, are part of overall political and ideological activities, and are not as such a privilege only of one political ideology. Liberalism is not less inclined to myth creation, and not less immune to a need of political coexistence of its own ideological habitus and political practice. Political and social reality is never enough beautiful and desirable and can always be retouched for the needs of an ideological optics. Even when euphorically presenting

to the world own ideological triumph and announcing a new phase of the end of political history as we have known it being so far, even then, and even more than we are capable to comprehend, does not stop to exist the need to adjust that reality to the criteria of own ideological vision.

If we could draw some kind of circle from which originated the liberal social thought and the idea originated even in the time of its political and ideological infancy, all the way up to the moment when it started experiencing its neo-liberal phase of political existence in last several decades, within that circle we could quit clearly mark a destiny of these political values: freedom has experienced different metamorphoses in order to end up systematically as a part of set of human rights and freedoms in the context of democratic constitution of the rule of law, but also emptied of essentially valuable content and transformed into purely legal-political standard. Brotherhood has disappeared and perverted into solidarity of confessional belonging in its actual Christianity context. Brotherhood, as an important political value, on which one social community of liberal type would be constituted, today looks like a complete political utopia. Instead of brotherhood, these societies have identified some kind of form of mechanical solidarity which functions only if corresponding to functional frames of state and political institutions. Equality however, has never had any other form and meaning in liberal doctrine than of an ordinary mould of political and legal equality, until the end of complete emptying of any other content of social or economic equality. Power and inequality have been established as dominant postulates of liberal political and economic constitution, as the highest values around which its political-economic essence is being constituted.

Knocking down the Berlin Wall and the end of Cold War in political literature on the West in its major part in last two decades was interpreted as the period of definite triumph of liberalism as political ideology and often also as the end of political history, because with alleged general triumph of liberalism ended the phase of historic struggles of big political ideologies. With that started the new phase of definite ending of epochal domination of liberal ideology in the context of increasingly faster globalization and setting so called liberal values and standards in the foundations and structure of the new world order. This ideological intoxication and mystification of own political ideology as a final triumph, and serious intention to create and build up out of it a real ideological domination, has contributed to the awakening of a critical resistance to such demonstration of current phase of political history, and to the establishment of a need for a true theoretical and also a political ideological valorisation of everything brought by liberalism to teater mundi in last two centuries, and especially in decades after the end of the World War Two when within so called Western societies experienced its full ideological expansion, and later in one of its phases of true domination establishing socio-economic structure of so called state of wellbeing.

Not long after that, some kind of ideological reaction occurred within the liberal political circle of thinking/doing which established the political and economic

hegemony of neo-liberal model of democracy. That model significantly questioned both the basic ideological values of liberalism and their overall democratic capacity. This radical turning point towards an extreme vision of political order and distribution of social goods and rights represented an important focus not only towards the best democratic achievements of liberalism but also towards true violent practice of behaviour (a kind of theology of violence) when it comes to the domain of practicing foreign-policy of the key representatives of neo-liberal hegemonism. It is understandable therefore to have some of the most important critics of these processes on the West severely criticizing these processes, especially their myth-mystifying character, and to the large extent questioning and problematizing not only phenomenological but also the essential aspect of this specific ideological blindness and triumphalism. „Undoubted, and rightfully these processes have also been celebrated as a final triumph of liberalism as an ideology. However, it has been absolutely wrong understanding of the reality. Absolutely contrary, these processes more describe a collapse of liberalism and our definite entrance into the post-liberalism world. "(Valerštajn 2005: 9)

One of important segments of mythological and mystifying layers of liberalism as political ideology is also a wrong perception of its own ideological position, which has frequently been placed in the area, which according to its self-understanding has been located between another two political ideologies (socialism and conservatism), and it has been in political-locus sense determined as centristic position, and in axiomatic sense understood as moderate, wise and rightful order. „Liberalism has never been a doctrine of the left, it has always been essentially a centristic doctrine. Its representatives have been assured in their moderation, wisdom and humanity. (...) The remaining political scene liberals have always tried to determine as two extremes where they have been in the middle" (Ibidem: 9). Although within the liberalism itself also there has been a similar division on classical, modern and neo-liberal model, which have comprised a political spectrum in which a modern liberalism could be placed in the middle, classical on the left, and neo-liberal model on the right ideological position. Such division is of course of a conditioned character, but has a kind of explicative potential, and therefore we mention it here.

Part of the total of political myths of liberalism was also a myth about liberal state which according to ideological perception and assertion was the only one guarantying freedom in its full capacity of that political value. Behind this political myth of liberalism has been hidden the truth that the freedom has been available only to a minority, and by the rule to that minority which has been in ownership and social sense on the top of the social hierarchy. „Ideology is fragmented, because there are divided interests in a society. (...) For Marxists and other liberal oriented post-structuralists, this fragmentation has been necessary exactly in order to consider a possibility for some social group to take over control. (...) However, below a general ideology there are others which promote interests of more important social sub-divisions. The biggest and the most important amongst them usually are class, race (or ethnicity), religion and gender. "(Čapo 2008: 342) Introducing into analyses

the term sub-ideology enables us to easier explain the existence of political interests of particular dominating social groups and arrangements which within the same ideological circle differ their positions as controlling one, and their interests as primary. Sub-ideology does not go out of the frame of a big ideology to which it belongs, it just specifies and derives it as an apology of governing establishment which in that way performs political rationalization and justification of its interests and position making it acceptable to a large part of remaining society.

It has been proven that freedom has not been equally available to everybody, although within the framework of ideological perception of a society, has been placed in the main social focus - legitimizing political order as order of freedom in its universal characteristic. „Liberals have always claimed that liberal state - reforming, legalistic, has been the only state guarantying freedom. That has been maybe characteristic for a minority group whose freedom has not been questioned. Unfortunately, that group has always been remaining a minority on its way to become majority. Liberals have been always emphasizing that only liberal state can guarantee non-repressive order. "(Valerštajn 2005: 9). Overlooking, most probably on ideological basis, that non-repressive and free are never the same neither in its sense nor in its essence, especially if taking into consideration the level of dispersion on a wider civil population. What applies for a part or a group has never applied for all, disregard any efforts invested by ideological propagators in trying to hide this fact and present it as universal. One particular political order becomes really free when the degree of universal human rights and freedoms reaches the level after which it is impossible to reverse it on a position of political monopoly of any social group or class. It happens in practice very rarely, and therefore this liberal myth is being considered as a doctrinary projection of wishful social relations and not more than that.

In transitional phase of former socialist societies, both of post-soviet and post-Tito type, newly formed political pseudo-elites, almost as a ritual have been repeating the ideological slogan of their ideological patrons from the West, about the need to establish civil society as the key element for development and transformation towards political order of freedom and democracy. If development of democratic political institutions being mentioned as the first condition of their democratization, then the establishment of civil society and its social values presented as the key second phase, towards their real transformation into a society of Western type. This process, disregard being presented as necessary, at the same time has been mythologized. Therefore, it has become manipulative to the extent to make its basic function and purpose senseless.

The subject of all sorts of manipulation and misuse, it has demonstrated not only the scale of small democratic capacities of these societies but also the degree of misuse of the concept by the countries from the West who have been propagating it and installing it in the above-mentioned geopolitical circle of transitional countries. „Here comes another misguiding slogan: call for development, expansion and reconstruction of civil society. It is equally helpless. Civil society can exist as long as exist countries

strong enough to support something what is called „civil society", which is essentially organization of the citizens within the state and who implement activities legalized by the state and engage in indirect (i.e. hostile) politics vis-à-vis state. Development of civil society has been essentially an instrument in uprising of liberal countries, pillars of inner and world order. Civil society has also been used as the symbol of gathering for the purpose of establishing structures of liberal state there where it has not existed before. But above all, civil society, historically speaking, has been the way how to limit potentially destructive violence of the state as well as the way to domesticate dangerous classes." (Ibidem: 10) Although it sounds a bit paradoxically, well developed civil society is the best product and also the best partner of a successful and strong state. If there is something wrong with it, then we surely know that there is something fundamentally wrong with the state as well. Only healthy citizenry can support and strengthen a serious state, and vice versa, a serious state can produce healthy citizenry (and healthy nation).

In so called transitional phase of the development of post-socialist societies, including certainly societies on the territory of former Socialist Federative Republic of Yugoslavia (SFRY), political-economic concept of civil society has been used by Western countries not only to establish a political control over them, but also to organize robbery of their economic assets. The scale of the robbery even nowadays is not jet possible to comprehend, but new coming generations in decades will be affected with its aftermaths. "USA in 1989/90 officially offered socialist countries a model of social transformation through the process of „transition" with „shock" therapy. Civil society in that context becomes a leverage of macro-economic reorganization. Groups of experts „transitologists" were prepared, and they flooded Eastern-European countries. Transition process was established as apolitical, more or less as technical process. Term „open society" covered conditions under which a transitional country can be integrated into a global economic process. (...) „Shock therapy", as claimed by Jeffrey Sachs, chief architect of transition, represents a mechanism for the fastest bridging of the gap between „underdeveloped socialist economies" and developed capitalistic economy, and for involving former socialist countries in „normal capitalist processes". However, what happened was quite contrary; „shock therapy" in practice was proven to be an ideal mechanism for devastation and servitude of former socialist countries, with more difficult consequences than those resulting from wars, because these are long-lasting consequences." (Avramov 2006: 72) In the form of civil society political structures were formed which have monopolized social changes and modernization, and which were at the same time awarded by their foreign mentors with possibilities to swimmingly rob their citizens during wild processes of privatization.

One of the common liberal myths is the myth about liberalism and democracy as twins, as unbreakable pair of modern political order which inevitably go together. There where is liberalism, necessarily there is democracy as well, and there where democracy is active, it is necessarily of liberal origin and inspiration. This widely prevailing myth has become dominant in the consciousness of political masses to such extent that it has become almost undoubted. It could be even said that it has become so undoubted

that any attempt of its questioning and criticism faces an outrageous reactions and counterattacks of liberal ideologists and politicians which are aiming with all their passion to make senseless any further attempt of demystification and criticism. In fact, the situation is absolutely contrary. „We have to remember that democracy and liberalism are not twins but mainly oppositions. Liberalism was thought as the opposite of the democracy. The problem which lead to creation of liberalism was how to hold dangerous classes, first within the core, and then within the world system as the whole. Liberal solution guaranteed a limited access to political power and limited share in the economic surplus which would not endanger continuous accumulation of capital or the system which supported it." (Valerštajn 2005: 39) Although a bit simplified consideration of the complex of democracy, Wallerstein surely well recognizes that between liberal and democratic cannot be the sign of equality what has been and still is the case very frequently amongst us.

The extent of democratization of Western societies has always been proportional to the need of preserving political and economic control by minority over remaining society. So called dangerous classes have been pacified, amongst other, by corrupting the middle class in the extent needed for preservation of economic stability within the society. Such stability has been based in a large extent on a pure economic robbery outside the borders of Western world (core countries), on the territory of semi-periphery or complete periphery. „Simultaneously, the pressure requiring democratization has been permanently increasing. Democracy in its essence is authoritarian. It is the requirement for similar thinking in the political process on all levels and similar participation in the system of socio-economic benefits. The biggest limitation to that tendency has been liberalism with its promise of inevitable permanent improvement by applying rational reforms. Responding to democratic request for equality now, liberalism has offered the postponed hope." (Ibidem: 40) Although a bit conservative, this ideological visioning by Wallerstein, emphasized the liberal component as the corrective one in regard to authoritarian and collective visioning of democracy itself.

It has to the large extent demystified and demythologized another liberal myth, - myth about creation of the state of wellbeing. It was possible as an ideological project achievable in one period and in one part of the core countries, thanks mainly to economic exploitation of the rest of the world, either by unequal conditions of trade, or war robberies or other ways of domination and tyranny. „The stumbling-stone was inability to create the state of wellbeing on the world level (what was, for example, advocated by Brandt Commission). Because it was not possible without violating basic process of capitalistic accumulation of capital. The reason was very simple: the success of the formula applied within the central states depended on hidden variable - economic exploitation of the South, joint with anti-South racism." (Ibidem: 39). Both once and nowadays, mechanisms and technology of economic robbery have not changed its essence, but only the forms and ways, adjusted to time and needs. „Parallel with nowadays situation is scary clear. Deindustrialized countries are being attracted with a possibility to export agricultural goods to EU and USA,

and in that way they are forgetting requirements for industrialization. However, none of the countries has ever grown rich with food production if not having at the same time the industry sector. (Reinert 2006: 112.)

The wealth has had to remain protected, and privileges based on it intact. Liberal ideology in economic and political part (doctrine) is essentially nothing else but ideology and program of rich who their privileged position should preserve from „dangerous classes and states", including the series of mechanisms of manipulation by which the poor will be convinced that the existing political and economic order is rightful and free. The order is based on the rights of strong and capable to confiscate limitlessly. That right allegedly is not a privilege, but the consequence of their capability and knowledge and the richness is only its logical equivalent." Neo-liberalism represents the politics and processes in the modern world which are in function of relatively small number of the most powerful entrepreneurs, skilfully covered with the robe of „democratic" state, who control entire life on the planet with the aim of maximizing the increase of their profit." (Mačak and Drobac 2010: 194)

Group sub-ideology of corporate elites here acquires its doctrinary and also its political justification. „For privileged position, by its nature, political justification is being identified, and frequently the most appropriate economic and social doctrine as well. Nobody wants to believe that its personal benefit is contrary to general public needs. Therefore, it is quite natural to invent an acceptable or, if necessary, moderately unacceptable ideology in order to protect own interest. There is the whole army of hard-working and gifted experts available for that task. Such ideology is gaining increased strength as the number of privileges is increasing." (Galbraith 2007: 12) Logic of rich has shown also here an essential particularism. The problem is in fact that state institutions support and feed that particular interest and ideology and by default using tax payers' means without requesting their approval for that.

Liberalism, equally as any other ideology (especially used by nazism and socialism), has propagated and applied Darwin's principles, incorporating them in apology of own political domination and economic benefit. Such approach has been used both in the area of internal affairs and in the area of foreign affairs. „Weak industrial states in the Second and Third World have been exposed to shock therapy, sometimes becoming open for free trade over night. Nations like Mongolia for example, lost about 90% of their industry during the period of 2-3 years, in countries like Peru, and Russia, half of industrial jobs disappeared in only few years time, while, at the same time, real salaries decreased by half. (...) Globalization has become neo-colonialism which is being developed through de facto Morgenthau plan: a colony is essentially a state which has the licence to produce only raw materials. (Reinert 2006: 123.) Actual wave of colonization acquires by that only a new form and cover without changing its basic exploitation essence.

Political myth about liberalism as permanent change which leads towards progress also is an integral part of the inventory of liberal political myths which fade in time

and become an obvious example of delusion technology of liberal propagators. Delusion impact is often amplified with ideological optics in which liberalism is seen as freedom oriented order which seemingly offers equal opportunities for success, skilfully hiding mechanisms used for preserving privileges and control function of the richest. „There are visionaries of renewed hierarchy and privileges, guardians of eternal flame of aristocracy. These are individually powerful persons who lack collective structure and who act during systematic crisis, because they see that everything is out of control. Here they refer to Lampedusa Principle: „everything must change in order that nothing change“. (Valerštajn 2005: 43) Cycles of changes are permanent and continuous (as outside visible frame), but their inner driver the most frequently remains protected from hazardous consequences.

For liberal ideology another political myth is also characteristic, - myth about so called minimum state (weak state). Taking the side of an individual and its inviolable rights, especially the right for enrichment, liberalism as ideology (represented by its most radical founders), doctrinary rejects a strong state as an important political factor of liberal order, considering it only as so called night guard which shall guarantee human rights and which may not disturb political autonomy of a society imagined as mechanical community of free individuals. „We live in a society in which social values emphasize freedom and individuality; dominant system of our economic beliefs underlines the market economy based on laissez-faire principle (French: „leave things as they are“; „do not interfere“) and economic competition amongst individuals; our social beliefs emphasize slogans „mind your business“, „be yourself“, „keep up with your beliefs“ and „resist the pressure“. Many of our political beliefs include disbelief in a „big government“ and belief that any government is inefficient“. (Tarner 2009: 189) However, it has not been like that from the very beginning, none of relevantly important development politics has not been possible without acting of strong state and its institutions. It has been experienced that doctrinary denial of a state and favorizing individualism and autonomy of civil society has been an ideological fog behind which there have been standing strong processes of using a state both in developmental and even more in control function of preserving the order of economic inequality. „From the very beginning liberals have been in a basic contradiction. As representatives of an individual and its rights vis-à-vis state, they were advocating the universal voting right, the only guarantee of democratic state. Immediately after that, state became the main actor of all reforms whose goal was to liberate an individual of the idea of engaging positive law to serve utilitarian goals. (...) For liberals, state has created conditions for rise of individual rights. But in all of these cases, essential issue was strengthening state in regard to society, while rhetoric was quite contrary to that.“ (Valerštajn 2005: 74-75.)

Both on doctrinary and on practical political plan, this kind of anti-etat rhetoric of liberals has never stopped. „We have been reading and listening for many years how our (and European) humanitarian intelligence scornfully speaks about the state. It started long time ago: liberals in 19th century, Marxists during 20th century, neo-liberals nowadays - they all have been repeating the same story against the state,

and in favour of democracy. (...) The last story against the state is included in the actual narration about perspectives of globalization. As many times before, it is here again about a myth which will for a certain period of time attract people skilful in writing. It is about the myth which speaks about divergent processes: on one side about the transfer of functions of the state to supranational organizations: and on the other side about the transfer on lower instances of local communities and non-governmental organizations. These two processes circle into two respective myths. The first is the myth about dying of the national state (or better said, sovereignty) in the general trend of global integration. Important aspect in that sense is the loss de iure of sovereignty of the state. Another myth, in accordance with the transfer of state functions on lower or local instances, speaks about deetatisation of political system. This should be proven in shifting from central government towards variety of centres of governing on different territorial levels to full decentralization." (Brdar 2007: 243-244) Although national state nowadays is the main target of globalization processes, within the core countries it is stronger than ever. Without its developed institutional mechanisms, and especially without its significant budget capacities, heading of corporate echelons towards the rest of the world would not be even nearly strong as it is nowadays. Politics and rhetoric of globalists, about the need to eliminate national states, is correctly understood only when it applies on the rest of the world. National state, according to the opinion of these structures, is the main obstacle to the expansion of corporate power on these societies and regions, and to globalistic ideology as such.

Liberalism, therefore, can be defined as the ideology which includes modernism as an important segment which is open towards social change and reform. But these changes have technical-technological component as a dominant one, which, in dimension of political reforms, acts in a way that in any a bit important part does not disturb a privileged position of its governing elite. Therefore, there is no wonder having Wallerstein's observation which being placed in the area of international relations concludes quite opposite to Fukuyama's triumphalism, that in the world exists resistance and rejection of liberalism as political ideology because it has fully unmasked its political and economic essence as antidemocratic. „It is not a craving for realization of liberalism, but for its rejection. It is cognition that nowadays world system is antidemocratic because economic wellbeing and political power are not equally distributed. Now, disintegration is being experienced as something normal, and not as progressive change." (Valerštajn 2005: 94) „Nowadays, fig's leaf has fallen and the Czar is naked. All yells about a triumph of democracy in 1989 throughout the world, will not hide for long the lack of any serious chances for economic transformation of the periphery within the frame of world capitalistic economy." (Ibidem: 105)

Despite the noise by liberal demagogues and numerous attempts of masking their projects and politics, the masks have fallen, and nowadays there is no need to explain that many of mentioned political myths as well as those we have not mentioned, are part of liberal ruling technology with which they defend their own

privileged positions and interests." In fact, „idea of the state", like many other ideas, like „freedom", „democracy", „market" (I am mentioning some of them in which I believe myself), etc., its meaning, first of all, they owe to the fact that people believe in them - and not necessarily to any impartial proofs." (Bošković 2010: 157)

In liberal circles, another problematic mythological armband has been constituted, although skilfully hidden, indicates the relationship of liberals towards the state, when it is about the process of forming national identities of modern European nations. It is especially interesting in the example of the Great Britain. The state in this case is not only a mere instrument used by liberal elites to direct and stimulate processes of technical and economic modernization, controlling at the same time so called dangerous classes in their surrounding. They have been using the state very skilfully in the process of creating and defining national identity, modelling its content both in cultural and linguistic terms, and also in terms of its political and legal content. Newly created national identity had a very clear and direct connection with the force which had shaped it - and it had been the liberal state. It has been proven in many cases that it was not the nation creating the state, but contrary, it was the state creating the nation and its identity, according to its needs and interests.

„If the Great Britain (and France and all countries) was the country of „two nations", rich and poor, Disraeli's solution to create one nation of two is understandable - one feeling, loyalty and renunciation. Such „equality" we call national identity. Big program of liberalism was not to create states from nations, but nations from states. It means, the strategy was to take those settled within the borders of a state, previously subordinated to the King-sovereign, now being sovereign nation - and to make them citizens who identify themselves with the state." (Valerštajn 2005: 115) The process of forming and designing (amalgamation of class-social differences and differences on the level of regional and ethnical identities) of the new national identity had not been done smoothly and without force (obligation). State institutions were put in full motion. Their national mission was more than clearly defined and determined as well as the profile, content, and characteristics of new identity which had been created. „Big uniting institutions of nations were education system and armed forces. In all core countries, elementary education became compulsory: in many of them the military service as well. In the school and in the army, language was taught as well as civil duties and national loyalty. During the century, states which were two „nations" - rich and poor, Normans and Saxons - became one nation, in this particular case „Englishmen". (Ibidem: 116)

Natural continuation of the process of creation (production) of a nation was the occurrence of racism as the ideological basis for upcoming phase of colonial conquest. Based on the image of the arena in which only the strongest dominate and win, was easily transposed and fitted in ideologically appropriate mould - field of economic inequality. This standpoint, through racist theories and practice, from domain of internal usage, was transposed to the field of foreign relations and scenario for new phase of conquest was prepared. About that, I. Wallerstein says: „The final element

in the task of creating a national identity - racism, shall not be overlooked. Racism unites a race which considers itself superior. It unites it within the state disregard minorities who are excluded from full or partial participation in carrying out civil rights. But it unites the „nation" of a national state vis-à-vis the rest of the world, not only vis-à-vis neighbours, but even vis-à-vis peripheral zones. In nineteenth century, core countries became national countries becoming at the same time imperial countries too that were „in the name of the mission of civilizing" established their colonies." (Ibidem: 116) Nobody is such political hypocrite and ignoramus like hither imitators of liberal paradigm. Their yells on nationalism, (and not even mentioning racism), is the proof of a complete political loyalty and dementia as well. Nationalism and racism, as we can see, are the basic constituents of liberal ideology, and represent operating fuel of development of these countries. Yell on domestic nationalists therefore is nothing else but an attempt to eliminate "dangerous class" for their foreign mentors in the phase of aggressive attack towards our country.

As a typical example of imperial power, haughtiness and „civilization" of liberal masters, we are citing here a small quote from the guidelines about how to deal with „lower races" and how to provide economic and political superiority over them. „All black people will be forbidden to weave flax and wool, to purr or strum wool and to produce anything from iron apart from casting, also they are forbidden to produce hats, socks and leather of any kind." (Joshua Gee, Trade and navigation of Great Britain Considered, London, 1729, quote according to E. S. Reinert 2006: 111)

This rude and brutal order in time has experienced its political- legal transformation and reached the phase of full efficiency but now transposed in forms of trade agreements, or better in forms and regulations of trade exchange - rich and poor countries and nations." State and corporate planners were aware of their absolute power they intended to use it for constituting a global order to serve to their interests. The biggest priority had the plan to ensure that the heart of the industry, Europe based on Germany, and Japan, to be within auspices of the world order which is under firm domination of the America, controlled by domestic financial-industrial sectors which are connected with American state-corporative forces." (Čomski 1998: 51)

And in that situation of absolute domination of rich, former American president R. Nixon advised his associates how to act in cases if the existing regulations in international relationships turn against their creators: „when you start to loose, change the rules of the game". Whatever course of action you take, act as your position of absolute power and domination must be preserved and improved. Those who do not accept offered rules of international exchange between rich and poor will face military reprisal and economic sanctions until they accept it. „It looks like the September 11 gave the green light to Washington to stop asking countries whether they want or not the American version of „free trade and democracy" and to start imposing it by military force and politics of shock and threatening." (Klajn 2009: 16)

Modern national and liberal state of the West occurs in this way as the key instrument of a march of corporate elites, and it represents a certain symbiosis of

corporativism and the state. The state opens new areas for undisturbed enrichment of corporative sector, and in return, through economic servitude of weak countries conquers new territories for its home country. „The best defined as „complex of capitalism of catastrophe", has more far-reaching tentacles than military-industrial complex on which at the end of his presidential term warned Dwight Eisenhower: it is about the global war on all levels lead by private companies whose participation is paid with the state money, with unlimited mandate to expand the territory of USA forever, at the same time eliminating every „evil" outside its borders. (...) the ultimate goal of corporations in the seat of this complex is the introduction of the model of the government which will be providing profit, which in exceptional circumstances with extreme speed transposes into a usual and daily functioning of the state - in fact, privatization of the government." (Ibidem: 19) „Since he understands the importance of the state for the free market and democracy, liberal will hardly support globalistic weakening of the state-nation. Because, globalistic forces are against the state-nation exactly because of the fact it limits their monopoly. (...) Transnational companies are so strong that they can swallow the whole markets and to become their masters. The only dam to their tyranny monopoly is the national state. That is wherefrom interest groups of globalistic capitalism systematically working on weakening the national state. These interest groups from the area of capital are getting connected with the groups from the area of global politics. They are joined by ideologists of „cosmopolitan democracy" and „international state" from the circles of global academic and media elite. Together, they create the force which smashes states of small and insufficiently developed societies." (Antonić; 2006: 32) „Such political problems become even more serious when rich nations organize export of resources of poor countries with the help of local elites, which makes a profit from all of that, what additionally increases inequality within a poor country." (Tarner 2009: 458)

Above mentioned standpoints cruelly confirm additional myth in the rich series of political myths of liberalism, even the whole group of myths dedicated to so called free trade. Graham Dunkley in a brilliant way defines this big field of liberal mythology. „I am asserting that there exist five myths about free trade which are in relation with three myths of globalization: 1. trade has always been an integral part of human nature, 2. free trade, free market and private initiative are the best for most of exchange, 3. „comparative advantage" is the best basis for any exchange of goods and services, 4. trade and free trade, when everything is taken into consideration, have extraordinary positive consequences for all involved, 5. volume of trade has been increasing in time, pointing out inevitable globalism. Myths by nature include a bits of truth and I do not fully reject these five assertions (...) Essentially, I base my standpoint against free trade on four basic reasons: 1. it is too simplified, overly based on suspicious myths and assumptions, 2. too narrow and overlooking the series of non-economic facts, 3. represents only means and does not manage to consider goals in a proper manner, 4. includes changes which are, together with many technological and developmental pressures, non-democratic or such that majority is not agreed with." (Dankli 2005: 20-22).

In the modern phase of liberal ideology which in last couple of decades has been announced in the form of neo-liberal model of democracy, tendency of maximizing profit has continued and which with that model has been lead to its definitive practically doable barriers. Incarnated in the politics of Reaganism and Thatcherism, this politic inspired with „Chicago school", brings radical turn from Keynesian vision of Social state and its participation in mechanisms of social regulation and development. It includes, very briefly, in the idea of hypostasing free-market self-regulation, without state interference in economic floes and its laws. Therefore, there is no wonder to see such loud yell on the state and its regulatory function in the economy, by biggest ideologists of neo-liberalism. „Economic control, which has spread in the United states in last decades, has not only limited our freedom to use our own economic sources - it has affected our freedom of voice, press and religion." (Friedman 1996: 57)

Recent experience in solving so called world crisis, which, what a wonder, originated exactly in the USA, is showing to which extent has gone hypocrisy of neo-liberal demagogues. Although doctrinary deeply opponing to any interference of the state into economic flows of the society, in the name of its freedom, that same group has not made any protest against measures of American state in regard to solving actual crisis, in which into the private sector (big corporations and banks) huge amounts of financial means have been injected (it is about thousands of billions) while at the same time millions of labour workers have been left without the basic incomes for living and without housing. Rich owners of corporations and banks were given thousands of billions of dollars of USA tax payers, and their jobless workers and clients were sent to the streets into uncertainty for elementary survival.

Encouraged political elite, inclined to such standpoints of Friedman and Hayek, started processes of a strong de-democratization of society, and connivance to big capital. That, although seemingly contradictory to doctrine, has lead to strengthening the role of political elite which has become the master of the most important state institutions and put them in the function of corporate interests. In the literature, this doctrine is often called „doctrine of shock", because it is connected to that type of political action which is related to the usage of natural crisis and catastrophes for imposing neo-liberal model of governing. The same applies also for those actions which are the product of planned activities of the elite, either caused by actions of economic or political factors (environmental crisis and accidents, wars, economic sanctions etc.). „During more than three decades, Friedman and his powerful followers have improved exactly this strategy: waiting for a big crisis, then selling parts of the state to private players while the citizens still stager of shock and then urgently proclaiming „reforms" for permanent. (...) Three characteristic and mandatory requests - privatization, reduction of legislation, and radical decrease of social consumption - mainly have been extremely unpopular amongst the citizens..." (Klajn 2009: 12-15) Despite its unpopularity, this method has worked. It has provided, in a very efficient way, social allocation of economic values and capital

into the hands of private owners and by the rule to the biggest of them.

The essence of this doctrine of „Chicago school" is to enable, by all means, maximization of profit and prior to that privatization of everything what can be subject of this process, then to carry out de-regulation of provisions and decreasing the costs. „The cult of profit by all means is based on crude simplicity and clarity, and even bigger advantage is that it shines as the only one and reliable sign-post in that fog of insecurity and state of being lost in which because of collapse of traditional moral rarities, our epoch is getting lost." (Albert 1995: 252) This scenario is being equally well implemented at home and abroad. It is especially favoured by so called transitional elites where it is maniacally implemented, and where it has caused catastrophic consequences: poverty of the majority of population, deindustrialization of the country, huge unemployment, maniacal robbery of social and state property, criminalization of the society, corruption of institutions and individuals in them, strengthening the power of party-oligarchy and tycoons' structures etc.

In the queen bee country - USA, the course of action according to this model has been as follows: „First, governments have to remove all provisions and regulations which stand on the way of accumulating profit. Second, they shall sell all property they have in order to enable corporations to do the business with profit. Third, they shall dramatically reduce financing social programs. Within this three-part formula about deregulation, privatization and reduction of costs, Friedman has presented plenty of details. Taxes, where they need to exist, shall be small, and rich and poor shall be taxed on the basis of the same flat rate. Corporations shall have the freedom to sell everywhere in the world, and governments shall not invest efforts in protecting local industry or local ownership. All prices including labour cost shall be determined by the market. Minimum salary shall not exist at all. Friedman with privatization included health protection, post, education, pensions, and even national parks." (Klajn 2009: 68) „Having in mind a large number of poor members of society, the gap between rich and less rich is getting wider, what causes creation of a high percentage of American population who has to work for lower wages without fringe benefits like health and pension insurance. This segment of labour force will represent an increasing problem in the future because the workers will be requesting an income and health care when becoming elderly." (Tarner 2009: 347) And what is a respective situation in the rest of the world. Cruelty and brutality of implementation of this scenario has been proportional to the extent of corporative greed, power of globalistic political elites and the extent of corruption and cajoling manner of local elites towards international masters and their interests.

"More precise term for system which erases borders between Big Government and Big Business is not liberal, conservative, or capitalistic, but corporate. Its main characteristics are huge transfers of public wealth into the hands of private persons, often followed by rapidly increased debts, increasing gap between shiny rich and

proportionally poor, as well as aggressive nationalism which justifies enormous security related costs. For those inside the bubble of extreme wealth, created by such arrangement, there cannot be more profitable way of society organization. However, due to obvious deficiencies for huge majority of population who remained outside the bubble, remaining characteristics of corporative state incline to include an aggressive control (again with an exchange of services and contracts between a government and big corporations), mass arrests, narrowing of civil freedoms and rarely, although not always, torture. From Chile, through China, up to Iraq, torture has been a silent partner in a global crusade of free market. However, torture is more than just a tool used for imposing unwished politics to rebellious nation; it is a metaphor of the logic which makes the basis of shock doctrine." (Klajn 2009: 23)

In brilliant book of Naomi Klein was done a complete demystification and demythologization of what we by inertia perceive as the world of liberal and democratic ideas, as well as the core essence of capitalistic economic way of gaining social assets, and political order which is being built on that already for more than two centuries, and especially its actual corporate phase. But let us have once again the author herself to prove it being the essential point of her book: „This book contradict the central and the most appreciated assertion in the official history - which the triumph of capitalism released of discipline of state regulations has been born from freedom, and that unhampered free markets go hand in hand with democracy. Instead of that, I will show you that this fundamentalistic way of capitalism is being born with the help of the most brutal ways of enforcement, imposed by force on collective political entity and also to countless individual entities. History of modern free market - better known as flourishing corporativism - has been paved with shocks. (...) (Ibidem: 26)

In its foreign-policy dimension, this essential point would according to Naomi Klein look like this: „I am writing the book about shock. About that how the countries are being brought into the state of shock - wars, terrorist attacks, putsch and natural catastrophes. And how they are being afterwards shocked - by corporations and politicians who exploit fear and disorientation created as a consequence of original shock to impose economic shock therapy. And how people who dare to resist to such policy of shock, if necessary, are being for the third time submitted to shock - by police, army and investigators in prisons. (Ibidem: 33) It is being demonstrated that such a big fuss about the freedom, democracy, civil society, prosperity etc., is being nothing else but the mass production of mere ideological phrases fogging perspectives to those who shall step on the assembly line of further exploitation. Wellbeing and freedom as promised but unreachable goals for small and poor countries, it seems are being spiced with necessary dose of beating and repression as a reliable method of political control and domination of rich, disregard it is about individuals, groups, stratums, classes, communities, nations or states.

Liberalism and Serbs - Two Centuries of Wanderings and Byways:
Reforms yes, changes no !

In the middle of nineteenth century, to Serbia, through the first liberally educated generation, started coming ideas and values which had a liberal loading and inspiration. Young Serbs who were educated in European metropolis of that time, were bringing liberal ideas wishing to modernize underdeveloped country according to their European exemplars. That reforming and modernizing loading and effort faced in Serbia of that time an outrageous resistance and denials. Both by that time political leaders who had grown up under oriental discipline and occupation, (used to political torture and violence), and by ordinary people who was about to suffer outrageous measures of social changes by changing both inherited habits and character and their burdensome existential setting and basis.

Liberal generation of that time Serbia, was intoxicated with nationalism of Mazzini type, all prepared to liberate their own country of many centuries of occupation, to win its independence, and gradually to make it a modern, developed and democratic country. The problem was in a specific adjustment of liberal ideas and values to own national habitus. Their huge love and intoxication with values of collective character of Serbian nation has often been a big obstacle for realistic evaluation of modernization capacity of the country. According to their self-understanding so called genuine democratic character of Serbian man has been an excellent foundation for development of democratic system in Serbia. They wanted to carry out political modernization of Serbia according to exemplars of ideals and inheritance of French revolution and British parliamentarism. „Holy-Andrew's liberals had another important characteristic of their ideological and programmatic acting. They were confident Serbian nationalists. Belief in genuine inclination of Serbian spirit towards democracy and self-governance ethos based in tradition, was more than dominant determinant of their comprehension. Liberalism under the auspices of nationalism, would be a short but precise determinant of their ideological profilization. (...) They were and have remained primarily Serbian nationalists. Liberal ideas have come only as additional building blocks of nationalistic commitment. Liberalism has just adjusted to nationalism, emphasizes Jovanović, and has become its logical continuation.“ (Despotović 2008: 75)

One of additional interesting forms of myths and mystifications of Serbian liberals of that time was belief - myth that political tradition and mentality of Serbian nation gives the right to Serbian man to cherish a great dose of optimism in regard to Serbian approaching European community of nations of that time. Freedom-seeking political tradition and democratic ethos of Serbian nation have been experienced as inevitable factors of Serbian modernization, which will bring Serbia to wishing political future in an accelerated way. „This too confident and not very well explained idea has been one of the attempts to bridge civilization gap separating Serbia from desirable European environment. Aware of realistic need for modernization, and

also of certain Serbian handicap (Turkish occupation), liberals were trying to bridge many-centuries abysses, searching for roots of Serbian European civilization character, in time of Nemanjić's tradition on one side, and in certain national institutions which had been a product of a need for pure existential survival during the time of occupation as it was a cooperative for example. In these patriotic endeavours, their romantic enthusiasm has often overbalanced a need for rational argumentation. That weakness in regard to own political and cultural tradition, as well as strong belief in good-nature frankness of Serbian man, has made their liberalism populistic, half-done and contradictory." (Ibidem: 78.)

Following the essential relationship of their exemplars on the West, serious Serbian politicians and statesmen of nineteenth century, as undoubtedly was also Jovan Ristić, were applying a political practice, which towards the citizens was creating a semblance of permanent political and social reforms, which seemingly, necessarily lead to political freedom and democracy. The same standpoint was taken by this Serbian liberal leader of the second half of the nineteenth century, in regard to the needs for political reforms in Serbia. He also considered political changes and reforms as necessary evil which should be moderately and carefully introduced into political life in Serbia, in the manner, not to endanger existing political authority and its political privileges." Also, by taking as example the Constitution from 1869 (whose undoubted creator was exactly J. Ristić), it is possible to illustrate his standpoint in regard to political reforms and political changes. He was experiencing and comprehending political reforms as a necessary tool for preserving authority, which should be used only as a last resort, moderately and superficially, without entering into fundamental changes. He was experiencing them, as emphasized by Jovanović, also as „necessary needed measure of authority security" (...) If we could formulate this political logic in a very brief manner, we think that it should be read as follows: reforms yes, changes no. Seductive because provides a semblance of reformatic standpoint, and again reliable because it was preserving the existing order". (Ibidem: 95-96.)

Contrary to Serbian state discontinuity which occurred in the previous century (Kingdom of Yugoslavia, Socialist Federative Republic of Yugoslavia, Federative Republic of Yugoslavia, Serbia and Montenegro), ideological and political confusion of its political elite has achieved remarkable time continuity. Both in nineteenth and twentieth centuries, Serbian society and its social elite in its major part, have demonstrated a permanent tendency in ideological wandering, incomprehension of own political orientation, as well as geopolitical position of Serbia itself. Such political-ideological wandering has been producing conflicts and mistakes which were extremely costly for Serbian nation in 20th century. Its historic and geopolitical wandering has continued, and existential Calvary nowadays seems to have no end. Let us try at least in brief to indicate its causes and origin.

In synchronous plane, considering last two decades, neo-liberalism is in power on the West, and neo-communism (neo-bolshevism) in transitional countries.

With necessary remark that such transitional neo-communism in most of the countries has been skilfully hidden with liberal robes. In fact, it is about two types of bolshevism, if we take as an example Serbia's experience. First echelon of bolshevism (national-bolshevism) was comprised of those political circles who grabbed a primitive form of utilizing nationalism (it was an efficient way to preserve authority at that time) by preserving at the same time intact own bolshevist order and political perception of reality based on old myths and images. Second echelon of bolshevism (liberal-bolshevism) was conscripted from so called second and third generation of party leaders of socialism, disguised in liberal-democratic form of political organization and at the beginning of transitional processes located primarily in opposition. Both versions of bolshevism (neo-communism) will be fighting on the ruins of the old order, unwilling to truly reform it - democratize (by introducing economic and political reforms), although both have their origins and legitimacy for its political mission in an old communist myth about them as the only chosen by history to carry out political and social reforms and create a new social order. „Last but not the least important, was the myth (myths) according to which only the communist were capable to get Yugoslav society out of relative underdevelopment and to solve the national relationships." (Šljukić et al. 2010: 6)

Neither this second form of bolshevism (neo-communism), despite declarative efforts for democratic changes, will not persist temptation to rob own citizens through the processes of wild privatization and by doing that to constitute itself in an accelerated way as the new political class which besides political authority and monopoly has access to respectable economic forms of capital and power. Declarative expression to swear in loyalty to citizens and commitment to democratic reforms represents ritually repeated political tirade by which, together with strong media manipulation, underage citizens of Serbia are being held in a permanent state of ideological semi-hypnotic (anaesthesia). „Courageous and deliberate citizen was needed during the fighting for the authority. Now, there is a need for a citizen transformed into a political sheep in order to submissively accept everything what is presented by the authority. Instead of pedagogy of civil society on the level of „desirable" political culture, there is an ongoing pacification through media propaganda including giving title of being noble like „deliberate and emancipated citizens" to all of those who are close to the authority and who do not controvert its politics." (Brdar 2007: 146)

That what is common to political parties of neo-communistic block, despite illusive images of political self-legitimacy (which created an illusion of political differences), is the method of governing (authoritarian and arbitrary political will) which has remained intact as well as party consciousness in which political opponents are perceived as blood enemies for who it is not enough to defeat them at the elections but who shall be exterminated and eliminated from the political life (there have been examples of brutal physical elimination) if possible forever. „In the name of democracy and rule of law, there is publicly performed pedagogy of

intolerance and arrogant ignoring, with occasional requests for arresting opponents. All of that is being carried out with great-hearted assistance of all sorts of experts for national, international and humanitarian law - what leads towards a conjecture that there will be no widely spread worries because of the lack of „desired" reforms." (Ibidem: 144)

They also have common antidemocratic relationships within each party and Fuhrer Principle in managing party and also overall political life in the country. It has been proven that it has been easier to formally reform and democratize political system of the country than to essentially change own political habitus and method of governing. „What remains is the conclusion that democracy is not needed to „the second Serbia", equally as it was not needed to "the first". The only what is necessary is to create illusion that they extraordinary care about it: and according to Michels' rule, these today are telling us that we have it "more than ever", in the same manner like we were told by those from yesterday (and by those from the day before yesterday). Manipulation of the people is even more compact, and the innovation is that „the story about" democracy has validity of democracy in practice. Therefore, accepting such government's story provides an individual with legitimacy of „being enlightened", and by that also the ticket of admission to „society of democrats". In contrast to that, anybody who looks for democracy on the level of „transparent political pragmatics", disturbs long time ago routine rules, and therefore has to be expelled from the game." (Ibidem: 150)

Let us recall here the philosopher Milan Kovačević who in his brilliant book „Ontological triptych" lucidly demonstrated on the example of nineteenth century Serbia, that it was easier to expel Turks out from the country than from oneself. It has been proven again, that Serbs as the nation and Serbia as their home-country, permanently spin in a kind of political spinning-wheel. Communist ideology and its bolshevist practice have caused this political disorientation to last much longer than its political order lasted in its temporal sense. Neo-liberal phase of the development of Serbian society has been the continuation of such political and ideological confusion, which has characterized Serbian political history in last two centuries, and all in all will remain for long its imposing political characteristic.

Actual political coalition is a good example for illustrating the previous standpoint. It has been constituted of ideologically incompatible political options, of the remains of the old regime and DOS's coalition, mixed both in terms of politics and generations of old communist's establishment, it represents confused political creature, which proves that carrying out political power and control is above any political principle, taste and need for authentic transformation of Serbia. „New/old left/right, in fact is younger and modernized comm-party and state-party nomenclature. From survived and adjusted part of post-Tito's party bureaucracy, has been created new renamed left. Evolving from former „pluralism of self-governing interests" to „partyless pluralism", nomenclature has then generated proto-pluralism by its own procedures, often from their own class. (...) Parties exist, leadership and leaders as well; both are loudly

advertising in media, and therefore the situation looks like pluralism, and again it is not pluralism in all, at least it is not as it should be." (Knežević 2006: 15)

But, if we take Montenegro, as another interesting example of transitional processes, we will easily recognize the existence of complete ideological and political continuity of the power of former party structures. Such kind of neo-bolshevist (neo-communist) political class, has preserved direct continuity of governing, adjusting itself more rhetorically and to a certain extent also symbolically to newly aroused need for liberal-democratic recomposition of political environment in the country. Skilfully creating an illusion of political changes and social reforms.

Contrary from Serbia, any kind of democratic capacity for changes has failed to constitute, one which would create an opportunity for democratization of the country and possibility for, although in political sense very modest, opposition alternative to be in position to make a break up with the old constitution of power - government and in this way to make its discontinuity possible. Reasons for such situation have been both on the side of unorganized and powerless opposition and even more in the area of inviolable and rigid structure of political regime.

Together with a strong support of globalistic structures, local regimes have imposed themselves as reliable political partner, which thanks to its servility and loyalty gained in return a wide area to constitute itself as the governing class both in political and economic sense, utilizing all possible means for achieving these goals, including those which are in deep contradictions not only with elementary regulations of local legislation but also with serious violation of international norms of law and legislation of European Union, more precisely with legislations of some of its member states (e.g. Italy). Counting on support of foreign mentors, actual authority in undisguised manner demonstrates political haughtiness and authoritarianism. „In Montenegro, any extremist from the class of Duklja ideology, either being in politics, or in culture, or in economy, is gaining the legitimacy of a democrat and support on the Radio „Free Europe" or at some other pro-American or pro-British media." (Petrović 2007: 205) While, at the same time, members of opposition or pro-Serbian political block, are being satanized in media and absolutely marginalized.

Although covered with liberal cover, and sworn to loyalty to globalistic elites, local elite (political, economic, academic, media etc.) has not abandoned its favourite and proven governing method, and it is the political method of bolshevism by its inner essence and logic. Despite all propagandistic efforts to paint actual political changes and social reforms as democratic and in liberal sense, they have remained within the framework of the old regime, striving to take over all more important centres of its political authority and power. „Instead of reform of the state and its institutions towards modernization and bigger rationalization, a nonfunctional amalgam has been created, with a capillary penetration of informal and non-governmental bodies aiming to occupy the state from inside. At the same time, instead of one party, several

non-governmental organizations are taking the lead, which act against the law and not transparently towards the public, and still under protection of living, phantom authority of the state." (Brdar, 278.)

This can be especially well seen on the example of Serbia. „Political revolution" carried out on October 5, 2000, brutally „wiped out" from the authority so called forces of the old regime, headed by their ultimate political authority Slobodan Milošević. But that kind of political upheaval which was done by political opposition which declared itself democratic, despite propaganda announcements about fundamental changes of the state and society, in first five years of governing has managed only to take over centres of power of the old regime. Extent, pace and broadness of social changes have been so modest that during that process the political constitution of Slobodan Milošević (incarnated in the Constitution from 1990) has remained almost intact.

„What have been the bases of such Đinđić's success in expanding the power? His base was not the electoral body. Equally as Milošević at the end of his governing, he and his party also could not count on more than 20% of voters. But, equally as Milošević, with 20% of voters Đinđić had 100% of power. Equally as Milošević, he found a good „political formula". In Milošević's case, that formula was consisted of nationalism and anti-globalism. In Đinđić's case, that formula was consisted of reforms and modernization. Đinđić in fact established a kind of ideological monopoly on reforms and reformism. (...) these strong structures of an authoritarian system were simply too strong for Đinđić and his ambivalent character. Instead to reform the system, he domesticated in it. All the changes were reduced to changing the sticker "national government", which was placed on democratic facade of the structure, with the brand „reformation government". (Antonić 2006: 102-104)

In the country, after the tragic death of the prime minister Z. Đinđić, although it sounds paradoxically, the process of constituting so called anti-liberal cartel became even faster. Gathered around the ideology of weak state, especially when it has a clear national prefix, this newly established political centre of power has taken over key leverages of power and directing all more important political, economic and social processes. According to the researcher S. Antonić, it is a kind of conglomerate of foreign and domestic structures which with their acting are striving to accomplish a full control over political and economic processes in the country. It has been formed of four interest groups.

First interest group is made of international bureaucrats. These are politicians and officials from Washington, Bruxelles, London, Berlin, Paris etc. They are a part of global political class. For sure, this group is also made of the ambassadors of more important Western countries, EU representatives, officials of various international agencies, financial institutions, non-governmental sector, intergovernmental organizations etc. „They are finding their „partners" in the state apparatus, they provide them with the money for reforms and adjustments with the standards and at the end they evaluate „accomplishments" and „scope of reforms". (...) Therefore, shorten name for this group will be - evaluators." (Ibidem: 36)

Second group is made of dependent domestic political elite. It is, according to their own legitimating, the euroatlantistic and reformation-modernization class. Their task is to strictly implement the guidelines of evaluators and to control the processes of transition in Serbia. „They are for that, in return, awarded with a possibility of undisturbed transformation of their own political capital into economic (during the process of privatization). That is to say - awarded with a possibility for endless robbery (of course, only of their own country and their own nation). (...) Shorten name for this fraction will be - reformers." (Ibidem: 36)

Third interest group is made of local branch of transnational proprietary class in Serbia. These are, foremost, domestic tycoons coupled with business ties with international capital. (...) Their task is to form a cartel which will ensure „open" and „stable" market. (...) However, the most important task of this fraction is to ensure financial awards for reformers (and very often to evaluators as well) through a systematic corruption. Shorten name for this fraction will be - businessmen." (Ibidem: 37)

Fourth interest group is made of transnational serving class. It is domestic academic, media, and cultural elite which preaches and preserves the ideology of „reform", „modernization" and „euroatlantic integration". Its main task is to justify the guardianship of reformers and evaluators over their own nation and country. Its name could be missionaries.

„When I read in may 2001 in „Helsinki charter" the term „Euro-Serbs", it made me laugh. In the introduction of that issue, namely, stated that in Serbia, besides Serbs, also live certain „Euro-Serbs". They are settled, was written there, mainly in Vojvodina and Belgrade and play the „key role" in Europeanization of Serbia. Perhaps, if there are more of these Euro-Serbs in Serbia, and less of those „ordinary" Serbs, then Serbia will faster enter into the Europe". (Antonić 2007: 147) Such and similar bizarre examples demonstrate not only a high degree of „being enlightened" of missionary „elite" in carrying out its malignant mission, but also a pathological lack of elementary national dignity and common sense.

„The potential of civil society has been reduced to intellectual groups and NGO, maintained by foreign donations, of which the living civil society cannot get a chance to speak up, and in addition to that is loosing the will for any engagement because of not seeing any sense in doing it. It is about subordinating the country to a simulacrum of civil society, i.e. to groups of „experts", whose expertise has never been verified, who have never been chosen by anybody for anything, and who take care not to check their legitimacy before the citizens at the elections. Therefore, although they do not want to be political parties, they behave as they are." (Brdar 2007: 278)

As the consequence of overall former acting of anti-liberal cartel, civil society has remained underdeveloped in Serbia, and national state has remained in ruins. It is the status of the state without sovereignty, territory without the people and clear borders, nation without national state, free media without freedom and

responsibility, citizens without civil society, economy without wellbeing, workers without employment, farms without farmers, education without knowledge, youth without a prospect, belief without spirituality, identity without national insignia, society without morality, constitution without relevant values, liberalism without democracy, politics without betterment, reforms without changes, government without state wisdom, elite without nobility, rich without soul, and poor without hope. It is a tragic situation of re-paganized demos which is grabbling at the beginning of the new millennium desperately searching for the best inheritance of the national heritage, in an attempt to use it as a foundation for rationalizing own directions of new democratic development.

Bibliography

Albert , M. (1995) *Kapitalizam protiv kapitalizma.* Zagreb: Školska knjiga.
Antonić, S. (2006) *Elita, građanstvo i slaba država.* Beograd: Službeni glasnik.
Antonić, S. (2007) *Srbi i Evro-Srbi.* Beograd: Čigoja.
Antonić, S. and Pavlović D. (2007) *Konsolidacija demokratskih ustanova u Srbiji posle 2000. godine.* Beograd: Službeni glasnik.
Avramov, S. (2006) *Alternativni model svetske zajednice. Civilno društvo i nevladin sektor.* Beograd: Nova Evropa-Evro.
Bošković, A. (2010) "Liberalizam, pragmatizam i zdrav razum." *Kultura polisa*, 13-14: 145-165.
Brdar, M. (2007) *Srpska tranziciona Ilijada.* Novi Sad: Stylos.
Brdar, M. (2002*) Filozofija u Dišanovom pisoaru.* Novi Sad: IK Zorana Stojanovića.
Čapo, E. (2008) *Teorija mitologije.* Beograd: Klio.
Čomski, N. (1998) *Godina 501.* Novi Sad: Svetovi.
Dankli, G. (2005) *Slobodna trgovina.* Novi Sad: Svetovi.
Despotović, Lj. (2006) *Srpska politička moderna.* Novi Sad: Stylos.
Fukujama, F. (2002) *Kraj istorije i poslednji čovek.* Podgorica: CID.
Friedman, (1997) *Kapitalizam i sloboda.* Novi Sad: Global Book.
Friedman, M. (1996) *Sloboda izbora.* Novi Sad: Global Book.
Gavrilović, D. (2006) *Udari sudbine.* Novi Sad: Stylos.
Grej, Dž. (1999) *Liberalizam.* Podgorica: CID.
Galbraith, J. K. (2007) *Dobro društvo.* Zagreb: Algoritam.
Hantington, S. (1998) *Sukob civilizacija.* Podgorica: CID.
Klajn, N. (2009) *Doktrina šoka.* Beograd: Samizdat B92.
Knežević, M. (2006) *Podeljena moć.* Beograd: IIC NSPM.
Laš, K. (1996) *Pobuna elita.* Novi Sad: Svetovi.
Mačak, Z. and Drobac, M. (2010) "Etičke aporije neoliberalizma." *Kultura polisa* 13-14: 193-221.
Petrović, D. (2007) *Novi ustav i savremena Srbija.* Beograd: Institut za političke studije.
Reinert, E. S. (2006) *Globalna ekonomija.* Beograd: Čigoja.
Tarner, Dž. H. (2009) *Sociologija.* Novi Sad: Mediterran publishing
Šljukić, S., Despotović, Lj., Gavrilović, D., Perica, V. and Velikonja, M. (2010) *Mitovi epohe socijalizma.* Novi Sad: CHDR (CIDP).
Valerštajn, I. (2005) *Posle liberalizma.* Beograd: Službeni glasnik.
Vujačić, I., Stojanović, B. and Lakićević, D. (2007) *Teoretičari liberalizma.* Beograd: Službeni glasnik.

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Democratism and Elitism:
Fragments on Elites, Democracy and Elitism

Abstract

The art of government almost always contains premises of competition and imposing and manipulation, and thus of politics as well. Negative and worth(less) type of elites and elitisation most often takes place in the area of direct politics. An aristocracy is a government of the minority of the best, whereas a democracy is a government of a majority, without substantial determination of its quality. In cases imbued with national elite and official, formal or state elite there are numerous congruencies in the common aspiration to establish a nation state in its democratic and European form. However paradoxical it may seem, neoliberal pro-democratism relies on the conceptual legacy of the left, first and foremost on its anarchist doctrine of the abolition of the state and the communist learning on dying of the state. Therefore, in the neoliberal grudge towards a strong state, some well-known components of anarcho-syndicalism, bolshevism, Leninism and Trotskyism can be distinguished. It is obvious that under counter indicated circumstances of pervading regressive and amoral political statuses of ochlocracy, kleptocracy, timocracy and mafiocracy, Serbian society in decline has great difficulty with its own elites. In correspondence between political theory and political practice of a society in transition, especially Serbian society in "passing" and "change", there is an apparent gap between proclaimed ideals and non-idealized reality. Power is mostly won and obtained by those who do not gain it by means of their virtues, but by resourcefulness and skill. Democrators govern as pro-democrats, in the name and on behalf of ideals of democracy. Manipulated and "democratized" transitional mass, in the sad role of the loser of the transition, has replaced the oppressed working class that had disappeared from the political and economic scene in the vortex of deindustrialization and deagrarianisation of Serbia. The working class and middle class have actually merged into governable and impoverished transitional mass. During the process of massification subjects of transition have been turned into passive and depersonalized objects of the reforming "transition". Many of those who wanted to pass into welfare have, in reality, been skillfully tricked!

Key words: elites, elitisation, sociology of elites, mass, massification, massocracy, democratism, pan-democracy, democrature, neoliberalism.

From fragmentary insights to sociology of elites

Although the appearance of social elites reaches all areas of life, and as such is an object of everyday interest, media reporting and prominence, elites have mostly been the object of ordered and disciplinary study of sociology, politicology, law, economics, culturology, history, psychology and anthropology. An abundance of scientific areas that have studied phenomenology of elites more closely still does not signify the creation of a discipline dedicated to them alone. Such a discipline, let us call it elitology-to the author's knowledge-does not exist,[1] although a particular subdiscipline of sociology, the sociology of elites[2], is the closest in responding to its undoubtful scientific and social need. In Serbia, research on elites from the sociological viewpoint depends primarily on the total sociological scope of research, particularly on the degree of its subdivision to specific disciplines. A remark should be added to the above said. The appearance of elites, the process of elitisation and characteristics of elitism are undoubtfully phenomena of social statics and dynamics, and do not depend completely on scientific and critical interpretation in its establishing and manifestation. Regardless of how and how much elites and related phenomena are affirmed or negated in the social sphere, in their problematic phenomenology they will interchangeably persist on both authentic and pseudo-morphogenetic forms.

In brief, humanities, regardless of the degree of their aspiration and articulation, are not capable enough to monopolistically influence the appearance and life of elites, but surely express unquestionable ability to explain them, thus qualifying and disqualifying them in the fight for recognition, i.e. legitimization of the existing order.

It is important to distinguish the appearance of an elite science and scientific elites from the abovementioned, as well as the efforts for establishing stronger scientific criteria in recognizing, assessment and evaluation of elites.[3] This type of elitism can be seen under social circumstances of reign of ideas and rule of ideologists- ideocracy and ideocrats. A special kind of extraordinary position of professional scientific classes is represented in the rule of science or scientocracy. If the rule of social processes relies mainly on technology - then we are talking about technocracy.

1　Sociologist Ljubiša Mitrović believes that a new science, *elitology* is appearing: "Within the context of making new syntheses in contemporary science there is a tendency to construct and develop *elitology* as a transdisciplinary science, that would, by encompassing and integrating knowledge of a number of social sciences and humanities (philosophy, anthropology, sociology, psychology, elite pedagogy, politicology and management) study sources and ways of creating social elites, their relations with social classes and their role in social changes." (Mitrović Ljubiša, 2010: 251)

2　The author of the lines has not, in his research, ever come across examples of scientists from here who consistently and in detail represent any kind of a *theory of elites*. There are, however, numerous fragments in translations, reviews and summaries, theorems, sociologemas, philosophemas of individuals relating to the issue of elites, but there are no comprehensive and deeper studies. There have been, though, skillfull reviewers and apt translators of famous world authors, primarily from the domain of the abovementioned sociology of elites, but original works easy to remember of Serbian authors have not been noted.

3　More on the subject, for example: Trgovčević, 1986; Trgovčević, 2003.

The listed kinds and forms of rules, i.e. special "cracies" give preference to the power of knowledge in a conspicuous manner, and the expert art of its use. Theoretically "washed-out" and consumptive, vain knowledge and non-communicative metaphysical and poetical constructions and systems without any "contact" with real life and media practice lose the race, left worn-out on the social margins. Here in action is a strategy of narrative simplification- apparent visibility of the sent "message", at the first glance. The second, perhaps deeper look does not seem to be necessary, for there is no depth, it cannot be found in stirred shallow waters, just as in rush desubjectivation there is no time for in-depth perceptions.

In chaotic times, there is a growing demand for accurate future forecasts. In a state of turmoil the confused look for reliable signs.

In a bestirred crowd kinetic drives of both a wild herd and a tame flock are manifested. Equipped with manipulative rods technotronic shepherds do not count with civic awareness, a status of a free citizen or political culture. Their goals- relying on psychoanalysis and behaviorism- are about primal instincts, impulses, sentiments. Who will become a shepherd, and who will remain undifferentiated member of a galloping herd is the matter of nature of a particular social structure and its dynamics.

Also noticeable are growing tendencies for anticipating and predetermining and also scientifically planning and forming contemporary elites in various fields. The functional approach to elites is contributed to with the more traditionally formulated science of staffing, then management theory and relatively new leadership theory, as well as the science of human resources. [4]

Most of the listed disciplines contain a wish to minimise social risk by means of training privileged individuals loyal to the system of existing relations. Plannable matrix for forming a "future elite" originates from the political part of the Protestant predestination theory.

Evolutionists of capital and capitalism and revolutionists of its surpassing and abrogating go hand in hand in an unusual way. Namely, both are certain of the missionary predestination of their own avantgardism - capitalistic power elites and the party leadership of a working class. Although the Second World of communism suffered a devastating blow and surrendered in the last decade of the previous century, tendential and teleological differences of views have not disappeared yet. Although capitalism has become the prevailing form of social life, for the Second World has also accepted its experience and rules, the left, however fragmented, still has not retreated from the global scene where, the Cold War

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4   See: Petrović Piroćanac, 2009. Also: Subotić, 2003.

euphoria of system convergence[5] was followed by multilateral and multipolar sobering of the actually divergent planetary flows.

Political shading of elites

In the beginning, of course, there was not Politics but a Word, unless the first Word itself was not a fruit of inconceivable politics! Does the origin of macrocosm duplicate in the human microcosm? Regardless, in hyperpolitised communities an impression is imposed that the primary constitution of not only a community, but of an individual existence is politised, and therefore political. Pre-political and post-political and nothing else. "Pre-" meaning original effect, and "post-"not meaning departure from politics or its exceeding by means of something better, essentially nonpolitical, but an inevitable, politically caused effect. Whether we like it or not, we live overwhelmed by the world of hyperpolitics.

The imposing and overwhelming political inevitability causes extra-political inarticulateness and inability to envisage and understand the being of the world and self-being outside of the aforementioned politics. Being "outside politics", acting outside the command of the strongest word, not being a "political animal" becomes an ever harder fulfilling transpolitical wish of a "postmodernly" unsettled citizen. Can one be a member of elites without participating in politics, or energetic and unavoidable participation of politics, that, finally, creates the appealing power of elitism?

Regardless of how much it gravitates towards the technical and technological, as well as the concerned and procedural, and seemingly neutral, the art of government almost always contains certain smack of competition, intrusion and manipulation, and thus politics. Politics, regardless how discouraging and sporadically loathsome, is an unavoidable intonation of elitisation. Even when a type of social elite- e.g. scientific, technical, literary, artistic, spiritual- seemingly very remote from contaminated and devastated political flows establishes itself against them and by no means wants to be singed and besmirched as a minor "part of a political story", even then politics, openly or clandestinely, influences, determines and causes the elite status.

Isn't then the appeal for deidealogising and depolitising of eminent, distinguished and devoted fields in striving towards an esteemed professional social status, under the circumstances of mutated panpolitics and political proliferation of the worst kind, just a wail of a desperate man in ever spreading political deserts?

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5   As a comparison, it would not be bad to consult the works of popular authors from the Cold War era and their contributions to *the convergence of systems theory*, such as: Moris Duverger (Duverger Moris, *Introudction a la politique,* Gallimard, Paris, 1964), Tallcot Parsons (Parsons Tallcot, *Structure and Process in Modern Society,* Free Prsess, New York, 1967), Raymond Aron (Aron Raymond, *La lutte des classes*, Galimard, Paris, 1964), Daniela Bell (Bell Daniel, *The And of Ideology,* The Free Press of Glencoe, Illionis, 1960) and Kenneth Galbraiht (Galbraiht John Kenneth, *The Affluent Society*, Boston, 1958).

If politics brings its own standards into worlds struggling and wishing to survive unbesmirched with undignified political ephemerides, where is the nearest exit and salvation? Is it in "anti-politics" (György Konrád), in counter-political elitisation, or in particular apolitical alternatives that present an escapist illusion that under circumstances of relentlessly pressing politics, an individuum, that can do almost nothing or nothing at all, can in the end survive without politics that is willing and able to do anything?

Arrhythmic elitisation

Occurence and evolution of social elites are not always continuous and implicit, nor expected and „natural", i.e. „organic" processes. There are communities of equals, undiferrentiated uniform collectives without any distinguishing and standing out, as well as backward and dependent societies without conspicuous elites. Elitism, however, does not necessarily have to be a trait of developed societies. Undeveloped societies can also have classes that surpass others and distinguish themselves in their privileged elite position, just like discrete and imperceptible power elites can operate in developed societies.

Elitisation and de-elitisation can occur intermittently, or can happen at once, suddenly, forcedly and "artificially". Negative and worth(less) type of elites and elitisation most often occurs in the area of direct politics. Rise of individuals from "the ashes of a revolution" or "burn-out ruins of transition", to the pointy apexes of power, and their falls to impotent feet, are all results of politising takeovers and rejections. Political delegitimising most often implies de-elitisation of the individual, and group, creation or institution that has suffered a failure, defeat and loss in political processes.

In mutual competitions, conflicts and fights on elite replaces the other, and in time, in clouds of disbelief and complaint, suffers the same fate. Elites fight for ever growing, if not crucial influence, indicating superiority and supremacy. Horizontal and vertical stratification of elites are, as one may say, natural, but their instinctive particularism is not. If, during the fight of antagonized elites, general social, national and political (state) values are questioned, then their mutual elimination and destruction are in progress.[6]

The emergence of projected elites is most dramatic and occurs most often in the sphere of direct politics. Political elites outshine and cast a long shadow of power on other elites in a society. It could be said that particular groups of political exceptions, in fact, party elites under circumstances of political pluralism absorb attention of the media to the extent that does not leave enough space for other social elites to

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6   Neven Cvetićanin believes that every new Serbian constitution has been followed by a confrontation with an old partial „elite": „due to which the society could not enjoy any stabilisational cumulative effects, discontinuity wolud continue, and partial elites were at the same distance from the stabile legitimacy, that stayed unavoidablu „fluctuating"." (Cvetićanin 2010: 122).

distinguish themselves and for the public to become acquainted with them. In authoritarian eras of political monism unsurmountable ideological and political barriers are set before undesirable elitism. Selection and cooperation, that is inclusion of an individual among the formal, i.e. official elite is done according to standards of apropriateness and loyalty to the established system of powers.

In backward and undeveloped societies, where politics has been a bad or the worst mode of social action for a longer period of time, a political elite is forced to various means of compensation and „advancement“ of its, by all means inferior, historical role. Under crisis conditions of social passivity and immobility being far away from politics and ideology, from the moral point of view (moral as a part of politics, not its moving outside of politics!) means being at a tolerably safe distance from the fatal source of mental and moral contamination. Of course, these are only aspirations and efforts under conditions that make them hard to accomplish. From that point of view, politics, no matter how inevitable and fateful, is seen as arbitrariness, and is given a bad name. There are two essentially different existential ways of participating in politics: acting politically and be an object of political action.

As an exceptional social group a true elite differs and is valued according to certain standards, just like it is created, positioned and collapses through processes of elitisation and de-elitisation, subelitisation and counterelitisation. Nevertheless, it is necessary to discern and determine:

1) if the elite itself, existing and functioning in a certain way, exhibits bad characteristics effecting its image and power, but not challenge it as an elite;

2) or with groups of people characterised and burdened with bad traits, the very counterelite traits - flaws and vices - thwart their individual pretensions for gaining elite status?

Most of the expressed doubts also relate to the post-Yugoslav Serbia. Keeping in mind spatial and temporal outline of the particular ten year long period (2000-2010), and Serbia persevering somehow, the phenomenon of elites, after the first emotional and intuitive recognition, is shown as deeply troublesome and dilemmatic. Therefore the essence of the concept, regarding the occurrence and absence of elites is related and relatives with akin, yet different phenomena and concepts, like: quasi-elites, pseudo-elites, counter-elites, subelites, parallel elites, non-elites, class, order, mass, crowd, scum, etc.

Democratism and elitism

Aristocracy is the rule of a minority of not any kind, but of the best, whereas democracy is the rule of a majority, with no significant determination of its quality. There are opinions that elites are in fact, in the lit anteroom of aristocracy, but clearly opposite of democracy! That the members of elite and democrats are actually in opposition; that true democrats and elitists cannot be in the same political boat. For

democracy is, in various ways indeed, the rule of the people, whereas elites are built on the criterion of special and rare traits, distinction, exception and esteemed virtues, not mere majority of numbers. Meritocracy, based on recognized and esteemed virtues, is the natural setting of elites. Democracy is established and institutionalized will of a majority, regardless of its social and other qualities.

Can members of elites strive for democracy if it stands for moderation and moderate measure, averaging and uniforming the rule of people, i.e. their representatives elected by the will of a majority? In that case hardly, but not in a situation when "real" and "authentic" democrats plead politically for the social exclusivity of a pro-democratic position. Then the privileged pro-democrats become pro-elitists, i.e. the elite, regardless of initial intentions of their own principles. It is exactly in post-socialist transition that post-authoritarian missionaries of democracy- elite democrats or democratic elite-emerge.

To pro-democrats - "the secular clergy" (Milo Lompar) and "missionary intelligence" (Slobodan Antonić) in transitions the attribute of democracity gives certain advantages within the framework of reforming appropriateness for participating in a game of power redistribution and securing a new social status. Insistence on universal and superior value of democratic ideals in practice creates a situation where other political values and ideals suffer and are moved in the background. In political life, namely, a pro-democratic race begins, a perhaps unique demo-stampede followed with boasting with unquestionable democratic orientation, that under circumstances characteristic of a relict authoritarian culture, but also of the new pro-democratic exclusivity (the famous "noalternativeness" in various spheres not only the sphere of foreign relations?), lose the social substance.

Democracy is then watered down in an empty proceduralism, debating prattle and numeric constitution of the majority's, and therefore superior will, thus becoming an excuse for all kinds of non-democratic and anti-democratic malversations. The above described, of course, happens also in the scientific domain, i.e. justifying social theory, especially in the abovementioned democratic theory. In Serbia, to be fair, with certain historical and scientific peculiarities or screwinesses, to be more precise. Zoran Avramović, a sociologist, is also aware of it, and he noted that "the theoretical role of the pro-democratic intelligence was to prove the claim that national and state interests are of secondary importance in comparison with democratic (substantial) demands".[7]

Indeed, Avramović stirred up a hornet's nest of unresolved contradictions of the part of the pro-democratic elite in Serbia. It is easy to see that certain pro-democrats have opposed their vision of democracy, both conceptually and practically, to the nation and country, as there is no possibility, both fundamentally and formally,

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[7] At the same place Avramović continues: " Cognitive motivation for a such theoretical direction is less important politically. It is possible that financial interests of a circle of social researchers were helped by some domestic and foreign funds. A character psychological structure of a social theorist's personality is also not excluded. Theoretically, modesty is also not excluded, for a number of critics of a formal democracy have thrown away their heavy socialist overcoats. " (Avramović, 2010: 300-301).

of their concurrence and synergic congruence. In ideologically construed tension among the national, state and democratic, various elites that appropriate and stress the appropriate attributes, dispute and exclude one another from the elite status. As if the national and democratic elites cohabit in the same country, Serbia for example, through mutual repudiation and disavowal!

In cases where the national elite permeates the formal, official or state elite, there are, indeed, many congruencies in the mutual aspiration of establishing a national state in a democratic and European form (Knežević, 2008: 127-131). The congruence of national and state elites is sometimes such that the two elites actually equate with each another and run into one flow. On the other hand, the pro-democratic elite in Serbia behaves too often not only as an extreme critic of the nation and nationalism, and the state and etatism, but as their relentless, one could say biblical opponent.

Negative neoliberal utopism

What or of what do liberate those who have contrived they should be neoliberals in Serbia? Economic, political and cultural relations from unbroken restraints of the previous authoritarian system; or Serbia as a whole, or partially from the dominance of inner and outer enemies of liberty; or aberrant citizens of Serbia from outdated national myths of the past; or all those who still believe in values of sovereignty and territorial integrity from the illusions of independence? The core category of the liberal political ideology is freedom. How come, then, that there is so much fiddling with such an important concept in Serbian political life?

If the antinationalism and anti-etatism of the said type of pro-democratic elite in Serbia is based on raw, meaning intellectually unprocessed ideology and non-experienced liberalism, the problem gets worse for fanatical neoliberals appear to nations and countries of states and peoples in transition as unpleasant strategic opponents. Suddenly sprouted neoliberals, namely, progress from original anational and non-stately indifference to riskily sharp forms of negative political utopism-total negation of needs of any nation or states of a nation.[8] Wish is also a reliable fact, but differs from the fact of unreliability of its fulfillment.

However paradoxical it may seem, neoliberal pro-democratism relies on the conceptual legacy of the left, first and foremost on its anarchist doctrine of the abolition of the state and the communist learning on dying of the state. Therefore, in the neoliberal grudge towards a strong state, some well-known components of anarcho-syndicalism, bolshevism, Leninism and Trotskyism can be distinguished.

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8   Keeping in mind neoliberal denial of the nation, working groups, groups for protection of rights of workers and families, a French sociologist Pierre Bourdieu points out: „The movement, made possible by the policy of financial deregulation, towards the neo-liberal utopia of a pure, perfect market takes place through the transforming and, it has to be said, destructive action of all the political measures... aimed at putting into question all the collective structures capable of obstructing the logic of the pure market." (Burdije, 1999: 109).

Anarchistic abolition, Marxist surpassing and neoliberal minimizing of the state make an odd ideological and political amalgam that in the case of Serbia has deadly effects. Political primitivism and anti-pattern have been created and are partially applied, with anational and counterstate attitude cultivated as most compelling evidence. To be clear, it is not only about the criticism of excessive nationalism and etatism, but about denial of the nation and state as such.

That kind of upturned soil produces fantastic ideas of absolute multiethnicity and multiple sovereignty that are primarily reflected in the view of Serbia as a loose multiethnic amalgam anyone can access, and Serbs, i.e. Serbians as a mass divided into ethnic-like, non-similar groups. Furthermore, the state of Serbia is not seen anymore as a classic European state creation, but as a neocolonist aggregate of non-congruent state-like regions. The pro-democratic liberal elite of the extreme kind thinks of Serbs as of a regionalized conglomerate of de-named and renamed ethnic-variations, and of the "uncompleteable state" (in the opinion of the sociologist Vesna Pešić) of Serbia as of a mechanic decentralized aggregate of regions.

Local neoliberal extremists are founded on refutation and "liberating" rejection and denial. Members of the pro-democratic Serbian elite founded this way are not too willing to respect democratic and European orientation of the national and state elite. Moreover, in a typically negativistic manner, automatically give authoritarian, totalitarian and anti-European characteristics to national and state elite, excluding it from the pan-democratic movement that was created on the post-communist wave of transition.

Pitfalls of pan-democracy

After all, is not it obvious that someone's formal self-proclamation as an elite or elitist is not convincing and enough for it truly to be so? To acquire the status of an elite something else and more is required. Social, economic, political and cultural objectivisation is needed,[9] Gajić also states establishment and veracity, and then recognition and respect. Especially because elitisation is blended and made somewhat difficult by similar, but also pseudo processes and forms. Although their action can be felt in many social areas, authentic elites are not easy to recognize.

Serbia is in the permanent half-time, and it is, at the same time, the unmeasured average half-time. Transitioning from what to what? In the meantime, that is actually a chronopolitical fate of Serbia; in a gap that is actually a geopolitical destiny of the unfinished territorialisation of Serbia. In the chronotope of Serbia, therefore, the situation is approximately such: social elites both exist and do not exist.

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9   Politicologist Saša Gajić points out that " Elites have critical dual role in the sphere of cultural influences: as guardians of expressions of the culture they belong to; and as decision-makers and executors of important decisions in facing the external cultural influences." (Gajić, 2010: 18).

From the point of the functionalist and value-neutral identification, in each of significant social segments numerous prominent groups are active that can be defined as exceptional and privileged, elite. Publicly known experience of belonging to prominent, distinguished, popular and famous groups, or the jet set, is not a deciding criterion, nor an acceptable way of objectivising the elite position.

The view of the situation, standards and beliefs regarding who belongs to elites in Serbia or not all together shows a great confusion and a number of misconceptions.[10] How can a membership in elite be practically recognized and theoretically determined, and what are the standards for determination? Based on the mentioned difference between transit, transition and transformation it is obvious that the creation and activity of elites in the Serbian society are conceptualized beyond the coherent theory of elites, and, in most interpretations, with full dependence on pro-democratic sensibility and the democratic theory.

However, the contradiction between the democratic concept and activity of new elites under aggravated conditions of crisis, social stratification, hierarchy and economic, political and cultural discrimination is not obvious. Pro-democrats use democracy as a transitional ideal to cloud fundamental conflicts they interpret as mere dysfunctions within the social structure. By explaining and speaking in favour of full democratization directed towards democracy they fail to explain the authoritarian premises of elitisation and establishing of the new hierarchy of political power. The negligence comes to happen primarily because they themselves- pro-democrats- are members of the new power elite. That is why the self-explanation of the rocky foundations of the government is missing.

Prominent individuals heuristically successful in interpreting social relations make unique theoretical elite. It has been outlined that in contemporary Serbia theoretical elite has mainly been occupied with the relation between democracy, as the preferable type of social structure, and the state of the nation and the structure of the state, first and foremost through the prism of relations between democratic, national and state interests. However, theoretical elite is not always giving consistent and substantiated answers on social dilemmas or priorities in the time of crisis.[11]

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10 Sociologist Nebojša Popov depicted that confusion with the following words: "Existing suspicions on actual powerful people have been confirmed through the impressive personification of "the hero of our age". Along with celebrated politicians, Milošević and then Koštunica, let us mention, for instance, 'mummy Dafina' and 'Jezda, the boss', Karić, Mišković and famous "black pearls", from Arkan and Legija to Šarić and Subotić. There are even various places of power appearing in Schiller and Shakespeare Street... By following daily news, those who want to see, have the opportunity to see appointment of staff to the key positions of power". (Popov, 2010: 3).

11 Zoran Avramović also noticed it: "The artificial dilemma - democracy or nation and state, Serbian theoretical elite answered without a doubt: democracy. But they forgot to think about the final consequences of this point of view: democracy can also be established in a reduced state and a disintegrated nation. " (Avramović, 2010: 304).

Democracy, as an organised rule of the majority of nations in post-communism[12], was the only of all the possible "cracies" to secure the widest scope of applications and implicit, almost absolute legitimacy of representation. Other forms of social structure lost the race with pan-democratism. If all became democrats, if democratisation has taken over everything, if everything became democracy, what happened to the non-democratic rest? Or has the democratic expansionism already led to the famous totalitarian democracy! That is the reason behind the complete or almost complete lack of conceptualisation of the place and the role of elites by means of application of theory of autocracy, aristocracy or monarchy, even premises of conservative liberalism, corporativism, or what is called "classical and traditional or contemporary Right wing".[13]

Therefore the recognition, interpretation and study of elites and elitism is mainly done relying on democracy, and the process of elitisation is finalised in the mentioned projection of the democratic elite. Moreover, it seems that the "real", i.e. authentic elite under circumstances of transition can only be the one that of the pro-democratic or neoliberal orientation. If it is not democratic or in liberal in one way or another, can it, or can it not be an elite?

Whether the political elite - as the elite of power and the elite of government- that has climbed to the elite position from the primary pro-democratic aspiration, fully keep its democratic orientation, is another question. Dilemmas on the democratic feature of political elites have especially grown in post-authoritarian and post-socialist countries of an unfinished and immature, blocked and paralysed transition.

The domestic social theory, primarily sociology (of elites) lacks deeper insight into the evolution of elites, their (dis)continuity, standards for formation, social function and perspectives. Authentification of elites is mostly done on the basis of segmentary and arbitrary standards and is categorically confused with somewhat similar, but also very One concept that differs from an elite, its complete opposite but almost necessary as a its contrast, is a mass.

Amorphy of a mass

A mass is formless, plasmatic. Mass is swaying, and tottering, at times calm and placid, sometimes stirred up and moving. A mass does not rule, for it is not able to rule and it cannot rule. However, a mass can demonstrate surprisingly eruptive power, and temporarily rule squares and streets (Ortega i Gaset, 1988: 75-81).

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12 An interesting thing is that in the epoch of communism and self-governmental socialism "people's democracy" functioned, that is, by all means, a tautology of "people's rule over people". But did not the same thing happen, on a semantical level, to the Democratic Opposition of Serbia that remained in the opposition to the regime it established even after it had taken the power? Semantical absurdities, however, are irrelevant in real political relations that arbitrarily move, twist and cancel previous meanings of political terms.

13 On that subject: Subotić, 2004. Also: journal *Nova srpska politička misao,* new edition, vol. XI, no. 1-4, issue topic „Desna Srbija", p. 9-163 (without the year of publishing).

Demonstrations of power of a mass are fierce, can be impressive, exciting or scary. The power of a mass is, nevertheless, unstable, its manifestations do not last for long, nor they have a permanent object. In the uprising against the system the predominance of a mass quickly burns out.

It is ruled on behalf of a mass, and without its name when necessary. An organized minority uses the amorphous energy of a mass. Elites are, surely, well organized, and organization gives formal and essential advantages in the action within an unorganized mass. Unrestraint of a mass is temporary; restraint of an authority over a mass is a permanent fact of a rule. After all, people are happy to obey the "unique impulse of power" (Gaetano Mosca).

Massocracy is not the rule of a mass but a rule over a mass. A mass is just an abstract amorphous totality in the flow; a specially formed totality is a politically organized and active minority. An unorganised and impulsive mass is a medium of power and government to the elite. The political elite is an organized social particle, a restricted minority excluded from the amorphous majority. In that sense, an elite is a differentiated and elevated social group that needs a mass as a background and standard of its privilege and superiority. A mass is a broken mirror of the superiority of an elite.

In massocracy an absolute "experimental" majority of a mass does not have a meaning, for it is wayward. The supposed and undoubted majority of a mass, unlike in the case of an elite, is not counted or institutionally established, thus not constituting actual political power. The power of a mass, even when manifested, is based on amorphous latency. If dispersed energy is channeled and parts of a mass formed as an actual organization, the amorphous characteristic of a mass is abolished, and it is turned into something else, its opposite. That opposite, formed and organized, has no longer a function of a mass or its part, but is manifested as a movement, party, class, citizenry and the like.

Massocracy and democracy

The general reason for the decline of democracy lies in a mass. It seems that the destiny of the human kind under conditions of a demographic boom is-averaging. A sea of people, an agitated amorphous mass, and as exceptions, clearly distinguishable individuals. The seed of a mass and massism was already planted in the original idea of a democracy as a rule of a majority. In democracy, however, a majority is counted until the number of voters at the elections is determined, whereas in the reversed flow of civilization a majority is de-formed in a mass of people who are no longer citizens.

Amorphy of a mass and ideological massism characterize modern world. A mass is not demos, meaning that a mass is not people. Seems as if people is misplaced in a mass - massivised people- that the focus of people succumbs to the amorphy of a

mass, traditional traits of people are lost in a mass, and along with it a reliable identity of a nation and citizens' reasonableness. Massism is corrosion on the democratic paneling of the modern politics.

However, not even in democracy all can rule, but only a listed and distinguished majority, or only special representatives on behalf of a generalized majority. For a rule, the ruler needs those who are to be ruled over; rulers need subjects. Not all members of a society can be elite. Is it not too obvious then, that elite needs a counter-phenomenon, differentia specifica - a non-elite mass.

The contemporary democracy of the Anglo-Saxon, i.e. European-American kind shows characteristics of a mass and massocracy. To repeat, the ancient demos is lost in a hopelessly atomized mass; a potentially constant citizen is exhausted as a sporadic voter. In the countries of the post-communist transition the situation is even worse. Elitisation is fast and has artificial traits. In the place of the epochal change, ruling elites are even further away and are more estranged from a transitional mass.

Instead of a conclusion: Massified democrature

In other words, can bad people, scum from "the bottom of the transitional barrel" that came into power, be presented as an elite? Can elite be built on robbery, plunder and excess plundering of social capital? Can the arriviste greed of new bloodsuckers and pickpockets be considered a trait from which reality arises? Are criminals and the organised crime stronger than the state, and legalised mobsters future owners of Serbia, and perhaps, their present self-appointed clandestine rulers? The answer to the string of rhetorical questions is relatively simple- it should not be possible!

It is obvious that under counter-indicated circumstances of pervading regressive and amoral political statuses of ochlocracy, kleptocracy, timocracy and mafiocracy, Serbian society in decline has great difficulty with its own elites. In correspondence between political theory and political practice (empiricism) of a society in transition, especially Serbian society in "passing" and "change", there is an apparent gap between proclaimed ideals and non-idealised reality. Power is mostly won and obtained by those who do not gain it by means of their virtues, but by resourcefulness and skill.

Like the previous contradiction that within the referential framework of the class theory and relying on revolutionary avantgardism did not allow creation of a new class, now under different circumstances of restoration (counter-evolution), the contradiction between the freedom that democracy should have brought and the authoritarian premises of elitisation of its designers, conductors and managers, democratisers and democrators is even more obvious.

Democrators govern as pro-democrats, in the name and on behalf of ideals of democracy. Manipulated and "democratized" transitional mass, in the sad role of the loser of the transition, has replaced the oppressed working class

that had disappeared from the political and economic scene in the vortex of deindustrialization and deagrarianisation of Serbia. The same happened to the middle class during the transit and transition in Serbia.

Previous criteria for generation working class and revolutionary leadership, firstly class awareness and loyalty to the revolution are modified now, to show "dedication to changes", "commitment to transitional reforms" and "aspirations to Euro-Atlantic integrations".

Working class and middle class have actually merged into a manageable and impoverished mass. In the process of massification potential transitional subjects are transformed into passive and depersonalized object of the reforming "transition". Many of those who wanted to pass into welfare have, in reality, been skillfully tricked!

All political participants swear in democracy in one voice, of course, but they also skillfully hide behind the screen of democratic ideas. In the mentioned discrepancy between the reality of transition and its sophisticated idealization, only shrewd critical spirits perceive tragical historical distortions. In the end, the matter is not only the undeveloped constitutional state and the lack of the rule of law, but also the deformity of pro-democratism into directive and decisionist forms of democrature.

Bibliography

Avramović, Z. (2010) „Manifestna i latentna uloga dela teorijske elite u Srbiji (1990-2010)“. *Nacionalni interes*, 9(3): 287-306.

Burdije, P. (1999) *Signalna svetla, Prilozi za otpor neoliberalnoj invaziji.* Beograd: Zavod za udžbenike i nastavna sredstva.

Cvetićanin, N. (2010) „Proces konstituisanja političke i društvene elite u srpskom društvu - problem diskontinuiteta i 'fluktuirajućeg legitimiteta'“. *Nacionalni interes,* 9(3): 107-146.

Gajić, S. (2010) „Pseudomorfoza elita: kulturno-istorijski pregled“. *Nacionalni interes,* 9(3): 11-50.

Knežević, M. (2008) *Evroskepticizam. Gde je Evropa? 111 evroskpetičkih fragmenata.* Beograd: Zaslon.

Mitrović, LJ. (2010) „Nova buržuoazija i njena elita u društvu perifernog kapitalizma. Skica za sociološki portret“. *Nacionalni interes,* 9(3): 249-270.

Ortega i Gaset, H. (1988) *Pobuna masa.* Čačak: Gradac.

Petrović, Z. (2009) *Politički lideršip. Ogledi o postmodernom vođstvu.* Beograd: Institut za političke studije.

Popov, N. (2010) „Prizivanje neograničene vlasti“. *Republika,* No. 474-475, 3.

Subotić, D. (2003) *Upravljanje ljudski resursima.* Beograd: Institut za političke studije.

Subotić, D. (2004) *Srpska desnica u 20. Veku, Knjiga prva.* Beograd: Institut za političke studije.

Trgovčević, LJ. (1985) *Naučnici Srbije i stvaranje jugoslovenske države 1914-1920.* Beograd: SKZ - Narodna knjiga.

Trgovčević, LJ. (2003) *Planirana elita. O studentima iz Srbije na evropskim univerzitetima u 19. veku.* Beograd: Istorijski institut, Službeni glasnik.

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Rethinking the Question of Otherness and Democracy in European Philosophy

Abstract

In this paper the author questions how European philosophy from the Greeks to Modernity and postmodernity encountered the problem of Otherness as the problem of the stranger. Morover, otherness and alterity were for the most part understood as opposed and threatening to the European "selfhood". In the second part of the article the author addresses the theory of Costas Douzinas, both its originality and shortcomings as a response to the issue of rethinking new cosmopolitism. In conclusion, democracy, pluralism and identity are analysed in the light of ongoing debates surrounding the dilemma and accomplishments of the multicultural approach. The author argues that alternative cosmopolitism includes not only critical but normative theory as well.

Key words: Otherness, stranger, democracy, Europe, philosophy, pluralism, identity.

European Thinking Between Cryptoschmittianism and Emanuel Levinas

The motive of "the stranger in Europe", the Other of and in Europe, appears as the live image of ambivalence of both European philosophy in its history, and of political and social practices of exclusion and inclusion of otherness. Although it is commonplace to remember ancient democracy of the polis, what is sometimes forgotten is that for the Greeks the "strangers" were barbarians (and this extended as far as to the difference between polites vs. idiotes). The stranger, precisely as "the other", was excluded from the polis and to a great extent from the community itself, which meant that strangers were perceived as inferior to Athenian citizens, and as such incapable of ruling. Moreover, strangers as foreigners were conceived as born to serve native Athenians, existentially and politically marking the limits of ancient democracy and its "democratic polis", along with women and slaves who also constituted the category of "otherness" in the form of political and social exclusion. The concept of „otherness", therefore, in terms of history and philosophy, emerged in the (created) distance between the "self" and "the other", as this very distance, and as difference between "ipseity" and "alterity".

In a way, this Greek attitude exemplified the birth of the "master-slave" relation as the proper "description" of the western philosophical understanding of otherness - the motif of "the stranger in Europe" became the leading trace in Modernity. In the Hegelian "master-slave" dialectic, "the stranger in Europe" is revealed throughout Hegel's Philosophy of History (2007). For example, Hegel's writing on the Slavs (and the same goes for Africans and more or less for all "non-Europeans"), as of „strangers" here reaches the point of describing them even as non-historical, as „people without history" (unlike those from Western Europe), and this attitude further continues in Marx's and even more Engels' writings. The moment that Hegel saw Europe as "a spiritual synthesis of Christianity and Germanic culture" (Delanty 1995) is something that had an impact and contributed to an understanding of the concept of "Europeness" that as such excludes many cultures, nations and people.

This is why the motif of "the stranger in Europe" reveals the idea of otherness as both constitutive and exclusive in the sense in which it is totally different from "the other" that (European) "selfhood" and "identity" is maintained and preserved. Certainly, to a great degree, this relation of non-relation, establishing of difference as the key category for comprehending otherness, the cryptoschmittian attitude of the decisive positioning of "us" vs. "them" and "friend" vs. "enemy" - brought what is often termet as "Eurocentrism" and "Eurocentric discourse".

Drawing on this line of continuity of "Eurocentrism" in greatest European philosophical thinking, some 20th century philosophers, and particularly Emmanuel Levinas (and later Jacques Derrida), articulated a "revolution" within it - and precisely in relation to understanding of "the Other" (Levinas 1980). On the examples of Husserl, Hegel and Heidegger, Levinas argues that what these philosophers did not take into account is "the otherness of the Other", let alone that they were not able to face "otherness as otherness". For Levinas, the "Other" is a stranger as well, but that is exactly the reason why at the ontological level "the Other" cannot be ever equalized with and in "the Same". What European philosophies, Levinas argues, of Husserl, Hegel and Heidegger, each in his own way, articulated, is the reduction of "the Other" to "the Same", of alterity to ipseity, and in last consequence to solus ipse as the outcome of such thinking.

In the theory of Michel Foucault, in his later works such as The Birth of Biopolitics, as part of articulating biopolitics, Foucault writes that it includes "the idea that the foreigners have infiltrated" (Foucault 2004), and in that sense, he also refers to wars. While tracing in genealogical and critical way how Western societies of control were transformed into societies of regulation, Foucault discloses how biopolitics manifests itself as governing over entire populations. One of the most eminent contemporary philosophers Alain Badiou has recently argued that even the European Constitution, in its latest version, contains "anti-barbaric references" and precisely in relation to migration processes as something that Europe needs to protect itself from, a moment whose potentiality we are witnessing today, and not yet to the fullest.

The example of Levinas's (and then Foucault's and Badiou's) thinking shows a different paradigm of European thinking. Moreover, this is to say that European philosophy discloses two tendencies and in that way inner ambivalences and ambiguities within itself: (1) the split between the "self" and "the other" as between "us" and "them", a cryptoscmittian attitude that in its best points to intellectual, political and moral (and other kinds of) superiority of "the Europeans", i.e. to inferiority of "strangers". This split, implicitly or explicitly, can unfortunately be seen throughout the Western philosophy tradition and it always assumes an "absolutistic position", and in worst case, it ends with the "friend-enemy" distinction. (2) The second tendency reveals European thinking as, broadly speaking, "democratic thinking", as thinking of multiplicity and alterity, of otherness and pluralism. In a sense, this means shedding light on hegemonistic tendencies on the one hand - and this also goes back to the philosophical tradition of Modernity of thinking knowledge as power - and on tendencies that pursue recognition of otherness qua otherness. In order for this event of recognition to take place, what must be reached upon is specific ontological and political position of the stranger - that the "otherness" of the stranger remains irreducible and incomprehensible precisely in the sense in which "the Other" cannot be or become the subject of knowledge or rather incorporated into a previously existing partial paradigm of certain knowledge. Levinasian and Derridian "hospitality" here becomes an example of relation of the "self" towards "the Other" in which the other is not violently and abruptly identified with "the Same" and where the foreigner remains, in a sense, "forever foreign". This is, therefore, the other potentiality of European thinking, and as such is simultaneously constitutive for the idea of Europe as founded on multiplicity, and perhaps democracy as well.

Costas Douzinas and Some Thoughts on Contemporary Thinking of Otherness

In recent contemporary debates on otherness, through a creative and yet philosophically strict analysis of Hegelian dialectic of recognition, accompanied by Freudian and Lacanian "psychoanalytic intervention", Costas Douzinas relocates the recognition of the "otherness of the other" towards the context of "the desire for the other". Moreover, Douzinas (2007: 102-117) intensifies his conclusions through a famous cry that belongs to Arthur Rimbaud -"Je est un autre!" What is at stake in this call is a specific ontology, politics and ethics of radical thinking of (radical) otherness that reaches as far as to say that my own existence is at stake in and through otherness? Rethinking the alternative to overwhelming apathy and consensus of "Western societies", both their theory and politics, as the alternative to formal recognition of the hybrid condition of majority of theories and practices, Douzinas builds a radical theory of otherness.

What occurs within postmodern metaphysic of Western societies, Costas Douzinas argues, is a major change on the existential level conceptualized in terms

such as "following one's happiness" and especially "self-realization" which "enable every wish of any individual or group to be transformed into a political request and eventually to legal right (Ibidem: 137)." Why is this so significant? Such approach is at the same time a critique of postmodernism, pragmatism and formalism, aiming to disclose different forms of self-proclaimed "cosmopolitism" and shedding light on its relation with the Western "empire" which often represents the negation of otherness. It reveals the ipseity hidden behind the scenes of the presence of articulation, practices of "human rights" and absence of otherness. It wakes up from the ipseity hidden beneath the calls for either usefulness, legality or non-identity being the ultimate criteria for the existence of otherness in this world. In this sense Douzinas writes that "the cosmpolite right always begins as a critique of local injustice and often ends as ideology of empire" (Douzinas 2007). Moreover, this moment, for example, reveals that the issue of human rights is great for manipulation and instrumentalization, up to the point that it appears "as an ideological flag under which cultural wars and international political battles are pursued (Ibidem: 201)."

This brings us to the question of rethinking the following thought: "What is at stake in contemporary discourses on otherness? How does it relate to the sense of justice or, rather, is there a connection between Western discourses and politics of human rights and contemporary wars led in their name? How has Otherness been both used and abused, instrumentalized and misunderstood?" In a sense, it could indeed be argued that this condition is a continuation of previous modern "colonial" framework (in the new "imperial" setting), and that contemporary thinking and political practices in their own way either disregard the otherness of the Other or, more radically, attempt again to reduce it to the order of the Same.

Douzinas's response rests in the alternative in which, in a philosophically poetic mode, "my being - always accompanied by the other - is in movement, for it creates itself in infinite number of specific worlds of other double beings (Douzinas 2007)". Douzinas's faith in this "ontology of cosmopolitism that is arriving" is a faith and call for a different cosmopolitism, one that "does not generate itself into imperial globalism" but rather remains faithful to the irreducibility of otherness. What is, however, less plausible in Douzinas is how one reaches such an ontological, political and ethical state of the world in naming this new cosmopolitism as close to "antique cosmopolitism" as he indeed writes? And moreover, what would it mean if such a cosmopolitism was to become "a nomos on earth"? Leaving aside this non-plausibility of antic cosmopolitism as a role model for a new cosmopolitism of the new age, on the other hand, there is perhaps something more then a mere coincidence in the fact that Costas Douzinas deliberately calls his model "an arriving cosmopolitism" in reference to Derrida's "arriving democracy" (democratie l' avenire). For a marking trace of such Derridian democracy is that it never arrives. As a specific messianic expectation, such democracy - i.e. cosmopolitism - exists in another form of temporality. By interpreting Jacque Derrida's idea (and without refuting its utopian character) as the power of imagination itself, Douzinas remains

in a more imagined and dreamed then the real polis of desired otherness and cosmopolitism and without reference to its irreplaceable proper "content".

Democracy, Pluralism and Identity

Does this mean to say that "another cosmopolitism", a different existential cosmopolitism that would embrace otherness does not seem plausible and likely to arrive? Or, rather, is it not the case that such a conclusion would, as it were, in advance exclude what we have termed as the other potentiality of European (and non-European) thought? If such a potentiality, however, is to be articulated and understood in its fragility, it seems that it would, on the one hand, have to go beyond both formalism and pragmatism, and postmodernism and multiculturalism. Such an idea reveals the interrelatedness between the concepts of democracy, identity and otherness. Multiplicity and democracy exist where otherness exists, or otherwise we risk Otherness drowning in Sameness, and this in last implication leads to totalism and/or, worse, totalitarianism. On the other hand, the extraordinary challenge lies in recognizing that this does not mean to tear up the concept of identity. On the contrary, what such articulation requires is recognizing the co-originality between identity and openness, and between identity and otherness. The fact that "the Other is here when I am here", and vice versa, is what is infinitely lost in the theories of hybrid identities. What is even worse, what can imminently be lost with it, are democracy and multiplicity, since both rely and come forth in and through the encounter between the "I" and "the Other".

In other words, the triple relation between otherness, democracy and identity can be summed up by saying that identity is not identity of identity and difference (Hegelian motif) but rather the opposite, namely, constructed and historically shaped on non-identity of the conceptual pair "identity" and "difference". Or - in terms of one of the oldest philosophical and political relations between "one" and "many" - it means that "many" carries the structural and historic primacy and, moreover, that it represents a concept tied with the idea of democracy. But, on the other hand, and importantly enough (in difference to postmodernism, for example), this does not mean that the category of identity should be abandoned, as something xenophobic per se, and that "non-identity" is the only proper name, since, on the contrary, such an approach rather leads to dissolution resulting in hybrid forms, where both the "I" and the "Other" escape to disappearance, or, more radically, to "non-existence".

In contrast to this image, the suggested framework of the relation between identity and non-identity underlines the ethics that comes forth with it as well. Difference, many, multiplicity and otherness, or rather, the Other proper, represent the ethical request as implicit in their existential demand. This is to say - in response to the question of how this new theorization would look like in "metaphysical", "political" and "ethical" way - that it has a lot to do with how "normalization" of politics would look like if democratic forms of identity/otherness were transformed and lived up

to in their multiplicity of particular existence. The example of German Chancellor Angela Merkel's recent claim that multiethnicity and multiculturalism in Germany have utterly failed (followed by polls that show, in Germany and elsewhere in Europe, that around one third of citizens consider their country to be "overrun by foreigners"), brings into light the ambivalences that surround otherness and recognition of the Other. Whose fault, therefore, is it in this story? Nobody's particular and yet everyone is "guilty", as in many other examples of the problem of the Other and otherness in contemporary events. On the one hand, a radicalized otherness (as it is the case with September 11, but no less with not so extreme examples, say, otherness manifested in either individual or collective total refusal or denial of language and culture of the state whose citizens they are), can take on multiple forms that essentially represent its very own denial. On the other hand, it is not rarely the case that otherness is not recognized as such - qua otherness - in its difference and own identity, for what was asked for was its assimilation into something, no one is sure exactly what, except that it has to do a lot with ghost-like "civil society". As Slavoj Žižek put it, "liberal multiculturalism masks an old barbarism with a human face". Moreover, this is to say, as Žižek continues, that the so-called tolerant liberal multiculturalism is an experience of the Other deprived of its Otherness (the "decaffeinated Other"). Žižek likewise radically concludes that in this attitude there is no decisive difference in respect to the seemingly opposed attitude of the "immigrant threat", which is to say, that it contains the same cryptoschmittian concept of "us" and "them", only in a concealed way - and that, in last implication, it was the global system that had generated all kinds of fundamentalism.

No doubt, therefore, that the story about otherness, especially in politics, is deeply related to the philosophy of power, political power, and sometimes violence. Selective recognition, double standards, lack of recognition of some "Others", aside from creating a new cryptoschmittian discord between "us" and "them", testifies about the inability of its recognition as universal principle of humanity - something that, on the contrary, true democratic identity does do. For if every otherness is, with no exception, recognized as the Other and in its uniqueness, together with the principle that the Other at the same time must recognize my identity, then what comes forth is democratic multiplicity. Moreover, what could be stated is that the very future of European identity lies in resolving this dilemma of searching for an approach toward otherness that does not represent say, a "negative coexistence" (the multicultural approach saying we happily live "side by side" and politely disregard the Other), but rather build itself on the normative that regards multiplicity as its own value, as a value in itself, precisely as democracy. What Europe has most recently witnessed, the failure of the liberal multicultural vision - and that is to say the failure of the idea that all we need is a neutral legal framework guaranteeing the coexistence of multiplicities - refers to the moment that without its normative content democracy arises, at best, as empty and blind, and in worst case, it leads to more then ignorance of the Other. Both political and ethical implications of this go very far.

What this, however, at the same time means that democracy, in Ranciere's terms, has a lot to do with equality (Ranciere 2007). It means that no stranger can be regarded or treated either as a "superior" or "inferior" other (who should be "enlightened" or that can be "used" for different political purposes), and that Western philosophy and knowledge cannot be identified with knowledge per se, but that it should rather, building on the idea that public use of reason is common to all and that knowledge is a common substance, open itself to a plurality of knowledge, coming from originary multiplicity of exsistences. This means that the concept of otherness (in terms of its recognition as otherness) testifies about the irreducible character of multiplicity, alterity, democracy and equality - and precisely as such has a lot to do with egalitarianism in a certain sense, social changes and sociality en generale. Rimbaud's "Je est un autre!", inscribed in every serious leftist contemporary thinking, simultaneously reveals the way in which alternative cosmopolitism can be thought of along the lines of this responsibility of and for democracy as difference and equality, marking a space where the normative comes hand in hand with a critical approach and theory - and both are opposed to any type of exceptionalism.

Bibliography

Badiou, A. (2005) *Being and Event*. Continuum. New York, 2005.
Critchley, S. (2007) *Infinitely Demanding,* New York: Verso.
Delanty, G. (1995) *Inventing Europe: Idea, Identity, Reality*. London: Macmillan.
Douzinas, C. (2007) *Human Rights and Empire*. Routledge, New York: Routledge 2007.
Derrida, J. (1996) *Politics of Friendship*. London: Verso.
Derrida, J. (2002) *On Cosmopolitism and Forgiveness*. London: Routledge.
Foucault, M. (2004) *Naissance de la biopolitique* (Cours au College de France 1978-1979). Paris: Seuil/Gallimard.
Foucault, M. (2003) *Society Must be Defended* (Lectures at the College De France, 1975-1976). London: Penguin.
Foucault, M. (1977) *Discipline and Punish: The Birth of the Prison*. New York: Random House.
Hegel, G.V.F. (2007) *The Philosophy of History*. New York: Cosimo.
Hegel, G.V.F. (1997) *Phenomenology of Spirit*. Oxford: Oxford University Press.
Levinas, E. (1980) *Totality and Infinity*. Boston: Kluwer Academic Publisher.
Levinas, E. (1998) *Entre Nous*. New York: Columbia University Press.
Levinas, E. (2006) *Humanism of the Other*. Urbana: Univerity of Illinois Press.
Nancy, J.L. (2000) *Being Singular Plural*. Stanford: Stanford University Press.
Ranciere, J. (2007) *On the Shores of Politics*. New York: Verso.
Žižek, S. (2006) *The Parallax View*. Cambridge: The MIT.

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The Left or the Right: Old Paradigms and New Governments

Abstract

Classical paradigms characterize left-oriented governments as being more interventionist in the economy than right-oriented ones. Nevertheless, many factors have influenced economic policy changes in modern parties. The paper first gives a literary review of parties' orientation towards intervention in the economy. Secondly, a comparative analysis of economic policies is done for selected developed economies, combining the governments' left-right composition with trends in their economic freedom. Finally, the paper summarizes main similarities and differences between left and right governments as to economic interventionism. The aim of the paper is to show how different economic policies with regard to market restrictiveness should change traditional perceptions of ideological inclination to economic interventionism. Our findings underscore the need for building a new 'economic ideology' map, as complement to traditional party classifications.

Key words: political parties, market economy, economic freedom, regulation

Introduction: parties, ideologies and positioning

Political scientists have always been productive in elaborating various classifications of political parties with respect to their ideologies, organization, position towards other political groups, functions, relevance, political strategy, etc. Janda (1993) argued that there are numerous important aspects of political parties and they must include inter alia institutionalization, issue orientation, social support, organizational complexity, centralization, coherence, etc. Researchers usually classify parties along or within a political spectrum, including one or several dimensions in the classifications. As the conventional, linear Left-Right continuum proved to be insufficient, bidimensional and multidimensional classifications have been developed. The Vosem chart exemplifies models with multiple criteria, such as economic liberty, personal liberty, and positive liberty (the Friesian Institute). It

pictures the political map in three dimensions: corporate economics, individual economics, and civil liberty.

In distinguishing the Left-the Right parties, the first axis of the Vosem chart covers cultural issues, fiscal issues present the second axis or the line of division in the top-bottom direction, and the third axis (front-back) divides parties with regard to their attitude towards the regulation of labour relations, free market, intellectual property and political influence of the corporate sector.

Competing with different linear and multidimensional classifications of parties, Faye (1996) developed a much criticized horseshoe theory asserting that the far The Left and the far The Right resemble one another to a great extent and are not the opposing ends of a political spectrum.

Despite different criteria in use, this paper takes the political ideology as the main classification parameter, i.e. parties' goals (allocation of values) and methods (policies to be implemented) as presented in their manifestos. Bobbio (1996) underscored that the Left and the Right are not absolute phenomena but represent a variable map of the political spectrum, relative to the particular cultural and historical contexts of a given time. Nowadays, the Left is defined in antagonism to the Right and vice versa. Similarly to other common/traditional views, it is widely accepted that the left-wing politics care about social inequalities, encompasses political liberalism, intervention in the economy, redistributive policies, etc. The right-wing politics is seen as being less sensitive to social inequalities, much less inclined to economic interventionism and reforms. Laponce emphasized that traditional classification of parties on the Left and the Right had been done on the basis of three tests: '…the attitude toward a monarchy, attitude toward a church, attitude toward the system of free enterprise.' (Laponce 1961, 26) However, all these examples of 'classical' distinctions of political parties increasingly find less and less ground in the contemporary world. The aim of the paper is to show, through a number of carefully selected case studies, how different economic policy aspects with regard to market restrictiveness should change traditional perceptions of ideological inclination to economic interventionism. In other words, it aims at identifying both similar and different attitudes of the Left and the Right towards economic freedom in order to emphasize serious demerits of current ideological maps.

The left, the right and the economic policy

Many decades ago, Downs (1957) laid down a rather straightforward argument about political parties and their economic policies: parties conduct certain economic policies only for the reason of staying in office or regaining office. If one accepts his explanation that ideologies present just verbal images of a 'good society' and main policies to achieve it, it may seem today that the Left and the Right still produce different ideological images but the policies they pursue tend to have more similarities than ever before.

Economic positions of modern parties have been researched and analysed from various aspects but most of the recent work has focused the impact of globalization on party positions. Globalization has affected both the positions and the relation between the Left and the Right. Giddens emphasized that 'globalization is not only, or even primarily an economic phenomenon; and it should not be equated with the emergence of a world system. Globalization is really about the transformation of space and time.' (Giddens 1994, 4) Garrett (1998), for example, provided an in-depth analysis of macroeconomic performances of economies with left-wing governments. He advocated a view that social democratic corporativism, i.e. a class compromise within which those with assets welcome redistributive policies while governments denote the primacy of market mechanisms, presents maybe the most appropriate response to challenges of globalization. The leftist redistributive economic policies are seen as beneficial to an internationalized economy.

Haupt (2010) argued that both wings adjust their policies in accordance with the need for more openness. Testing a traditional hypothesis that the left-wing parties would react more strongly to international economic pressures than the right-wing ones, Haupt concluded that differences between the leftist and rightist parties' responses, however, were not statistically significant. A serious limitation of Haupt's research, for the purpose of this paper, is that it focuses parties' policy programs, rather than government policy outputs.

Contrary to beliefs that the corporate sector has overtaken the power from governments in modern market economies, Boix (1998) argued that the ideological foundations of parties in power determine the competitive strategy a country would take. He identified major economic issues related to supply-side economic strategies over which the Left and the Right took significantly different positions: taxes / spending, equality, private savings and private investments, unemployment and inflation. The Left aims at improving the growth and diminishing inequalities through a rise in productivity which can be achieved with investments in labour and capital in the public sector. On the other hand, conservative governments, being reluctant to intervene directly, are more interested in the establishing of a proper system design and incentive schemes to foster private investments. The left-wing parties aim at higher growth in order to reduce inequalities while the right-wing governments seek higher growth per se regardless of its distributive effects. Despite of those differences, Boix concluded that institutional arrangements of a country, as a result of a long historical process, affected the economic policy more significantly than partisan preferences or coalitions.

A recent OECD study on the level of labour and product market restrictiveness (Wölfl et al, 2009) underscores that the ideological foundations of parties in power significantly matter when labour relations are in question, i.e. when the level of labour market interventions is assessed. In a trade-off between equity and efficiency, the left-wing governments attach a higher weight to equity and support labour market reforms. Regarding product markets, it is assessed that the political orientation of government plays a much smaller role.

The role of partisanship in trade openness has been intensively researched in recent literature. Lines of arguments can be arranged in three main groups: a) the Right-wing, conservative parties support free trade while the Left, socialist parties are not inclined to do so, b) the Left endorses more economically open policies than the rightist parties, and c) partisanship makes no or marginal influence on free trade - there are other factors (like interest groups, country's international positions, etc) that affect the choice of trade policy. In support of the first group of arguments, Milner and Judkins (2004) claimed that the left-right ideological positions of government exert significant and predictable impact on the country's trade policy position. According to their research, the right-wing parties are generally more inclined to favour free trade while the leftist parties oppose that. But, it is not only the ideology that shapes trade policy of a country - globalisation and international forces also make significant effects, in addition to the electoral rules and government type:

A party is likely to announce a position more supportive of free trade when it is more the right-wing in ideological location, is more exposed to international trade, operates in a presidential system, faces higher levels of American economic hegemony, has more seats in the last parliament, operates in a country with lower levels of development, and confronts a world of growing globalization. (Milner and Judkins 2004, 113)

Though illustrative in numerous ways, this research had a limited impact on our study because it had been based on parties' manifestos and not the actual, implemented policies and their effects.

From another analytical perspective (Horino 2008), differences in economic policy of a left or a right government seem to primarily reflect the economic profile of the country, i.e. its production-factor endowment. Horino concluded that labour-intensive (abundant) countries were economically more open under the left-wing governments while no significant correlation was found to support the claim that capital-intensive countries were more economically open under the right-wing governments.

With regard to changes in the traditional views on economic policy, vast literature can be found on the dynamics of economic-policy changes of modern parties. There is a wide held opinion that the Left has been gradually shifting from the traditional social democracy towards the right-of-centre policy choices (Nelson and Way 2007). Several reasons might have caused this: changes of the so-called median voter towards the Right, social and economic changes of the country (deindustrialization), and the effects of globalisation. Of a particular importance for this paper, Nelson and Way emphasized the examples of policies of the Left (The Australian Labour Party) that were more neoliberal than those of some right-wing parties. Additionally, they pointed to the rise of new left-wing policies (the Third Way in the UK, the Clinton administration, Schröder's positions in Germany), perceived as compromises between the neoliberal and classical welfare policies. In conclusion, Nelson and Way argued that the probability of the right-ward shift of a left party rose if there was

a narrow ideological gap with its main right-wing competitor, if the country was increasingly moving towards the service economy, if there was a low level of portfolio investments and if there had been a recent record of currency crisis.

Another critical component of any economic policy, central bank independence, has also been a basis to compare policy attitudes of modern Left and Right. Internationally accepted norms of 'good monetary conduct', relying primarily on central bank independence, have been for a long time assessed as traditionally integral to liberal economic practices preferred by the right-wing governments. Nevertheless, recent studies (Davis 2007) underscore a trend of the left governments being more and more inclined to accept central bank independence, although this may seem as a disaffirmation of certain leftist ideological principles. Davis concluded that the Left and the Right were increasingly moving toward a consensus with regard to spending. Our analysis of the selected countries also indicates less and less differences in this respect.

Regarding the methodology used in this research, we followed a model similar to the one deployed by Benoit and Laver (2006), except for the dimensionality issue. We focused on 'second-hand' evidence about policy positions, i.e. the evidence supplied by experts in assessing the policies on various economic issues. We intentionally assumed the policy space to be low-dimensional in terms of ideological options (primarily distinguishing the Left, the Centre and the Right) but high-dimensional in terms of assessed policies (distinguishing 10 most important aspects of economic freedom). A priori knowledge of the substance of the key policies was available through vast economic research on the basic elements of state intervention in the (market) economy functioning. Traditionally, on the socio-economic dimension, the leftist and the rightist parties' ideological positions differ on the following issues: 1. Wide governmental ownership versus dominant private ownership in the economy; 2. Strong (intervening) versus weak (supportive) governmental role in economics; 3. Support of / opposition to wealth redistribution, and 4. Expansion of / resistance to governmental social welfare programs (Haupt 2010, 8). Our task was not to evaluate the effectiveness of government policies in different countries, except for the comparison of the real GDP growth. Our task was to estimate governments' positions (and actions) on the specified dimensions of economic freedom and to compare those with the traditional ideological classifications of parties.

Once placed on a political scale, parties can change their ideology moving to the Left, to the Right or to any other of the dimensions previously illustrated. Ideologies represent political reality, make political practices (as expressions of political ideas) and mobilize people for the political action. As Blattberg (2009, 21) explained, "… in the case of those ideologies that can be placed upon [the political spectrum], there is no call for doing so in any permanent way. Because each country claims its own political culture, each may be said to have its own 'home' ideology at a given point in time, and this is something that can not only change but also move along our spectrum".

Research background

The comparative analysis presented here aims to show that the orientation towards less economic interventionism has yielded similar results regardless of the left-right classification of the governments in power. So, it is not that important any more to assess whether the ruling party is of the Left or the Right in orientation but to what extent its capacity can yield results in terms of economic development and a sustainable competitive position of the national economy on the world scene.

Due to the limitations of this paper, the comparative analysis included eight countries: Denmark, Ireland, Germany, Luxembourg, United Kingdom, United States, Australia and New Zealand - all different in terms of size, level of development, dependence on international economic flows, economic and political tradition, and most importantly as to the level of market regulation restrictiveness (see OECD research noted bellow). The research covered the period 1995-2007. Two reasons lay behind such a choice: the selected economic index has started in 1995 while 2007 was chosen to conclude a period just before the first signs of current crisis have started to emerge.

Several sources were used to collect data for the three major components of the analysis: political orientation of governments, general assessment of regulation restrictiveness and rankings in terms of economic freedom. Real GDP annual change was used as a control indicator for all countries.

The political classification of the governments, for the purpose of this paper, was based on the research and data compiled by Armingeon and others from the University of Berne (Armingeon et al. 2009). For the purpose of getting a longer-term view of state capacity-building, and bearing in mind that policies from previous governments are still in place and produce effects once administration is changed, the compiled data on the government composition cover the period 1985-2007.

Country	Dominant orientation	Dominance levels (lowest-highest)
Australia	almost equal the Left-the Right	
Ireland	the Right	52-100%
New Zealand	the Left	84-100%
United States	the Right	90-100%
Denmark	the Right	76-100%
United Kingdom	almost equal the Left-the Right	
Luxembourg	centre	50-60%
Germany	centre	68-83%

Table 1: Dominant political orientation of the governments 1985-2007

Data regarding a general orientation towards regulating the markets come from the work of Anita Wölfl and others for the OECD countries (Wölfl et al. 2009). This source has been very useful in making the selection of countries, i.e. the composition includes those with a high level of liberalization, medium liberalization and those with significant restrictions still in place. The OECD approach uses the overall Product Market Regulation (PMR) indicator constructed from 18 low-level indicators such as: scope of public enterprises, government involvement in the energy, communications and transport sectors, direct control over business enterprises, price controls, use of command and control regulation, licenses and permits systems, communication and simplification of rules and procedures, and administrative burdens for corporations and sole proprietors.
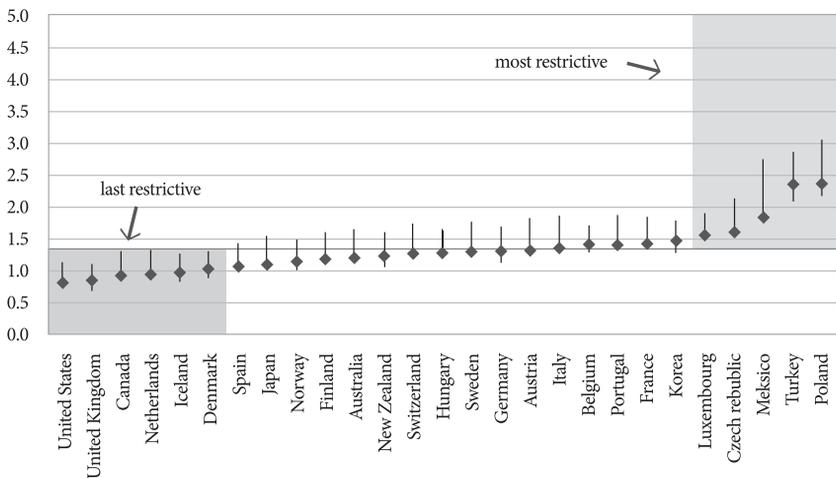

Figure 1: Market Restrictiveness 2008*

*Aggregate PMR scores, Index scale of 0-6 from least to most restrictive
Source: OECD, Product Market Regulation Database

Finally, the Heritage Index of Economic Freedom is used to assess the results of the governments in terms of economic freedom (Kim et al. 2009). For over a decade, The Wall Street Journal and The Heritage Foundation have tracked the changes of economic freedom around the world, by implementing ten benchmarks that assess the level of freedom from government intervention and the economic success of 183 countries. The ten components of economic freedom are: business freedom (starting/closing businesses, licenses, costs), trade freedom (absence of barriers for exports and imports), fiscal freedom (level of taxes and tax revenue as a percentage of GDP), government spending, monetary freedom (inflation and price controls), investment

freedom, financial freedom (banking security and independence from government), property rights, freedom from corruption and labour freedom (minimal wages and regulation of labour relations). Other institutions, like the World Bank or Freedom House, conduct similar assessments and although criteria for ranking the economies differ in some respects, the general evaluation is based on similar ideas and the countries' ranking do not differ to a significant extent. All of such indices and rankings receive severe criticism1, as being subjective, politically-motivated, unsystematic, confusing, and most importantly misleading as they take one developmental dimension (economic opportunities) while disregarding the other two: human development and democracy maintenance. Despite of all shortcomings and in the absence of alternatively developed indices of government intervention, the Heritage Index has proved to be a useful tool in international economic comparisons. Moreover, the purpose of this paper is not to assess the Index credibility but to use it for comparative purposes.

Rank	Country	Score	Real GDP growth*
1.	Hong Kong	90.0	6.4%
2.	Singapore	87.1	7.8%
3.	Australia	82.6	4.4%
4.	Ireland	82.2	6%
5.	New Zealand	82.0	3%
6.	United States	80.7	2%
8.	Denmar k	79.6	1.6%
10.	United Kin gdom	79.0	3%
15.	Luxembour g	75.2	5.2%
25.	German y	70.5	2.5%
26.	Georgia	70.4	12.35%
64.	France	64.2	2.3%
74.	Italy	62.7	1.5%
178.	Zimbabwe	21.4	-4.6%
179.	North Korea	1.0	-2.3%

Table 2: Heritage Index of Economic Freedom 2007, selected countries'
ranking and performance

Source: The Heritage Foundation, OECD, CIA Factbook

*In comparison to 2006

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1   For examples of such criticism, see "Laissez Faire Olympics", Left Business Observer Special Report, March 2005, available at http://www.leftbusinessobserver.com/FreedomIndex.html; Abelson, D. E. 2009. *Do Think Tanks Matter? Assessing the Impact of Public Policy Institutes.* Second Edition, Montreal and Kingston: McGill-Queen's University Press; Sachs, J. 2005. *The End of Poverty.* New York: Penguin Books.

Case studies: individual countries

Australia

Since 1995, the country's rank has been moving steadily upwards. It has to be mentioned that the year 2000 was a turning point in improving the general business environment in Australia. The right-oriented government had succeeded, after 3 years in power, to yield substantial results in the area of international competitiveness, despite certain ups and downs in the GDP real growth (similar to other countries under review).

The centre-left Australian Labour Party and the centre-right Liberal Party of Australia are the dominant players on the political scene, with the left-wing Australia Greens gaining in importance. Under the Australian Labour Party from 1983 to 1996, the governments pursued active interventionism associated with economic rationalism, reductions in trade tariffs, taxation reforms, removal of centralised wage-fixing, privatisation of large companies and deregulation of the banking system. Today's dominant ALP faction is more economically liberal and less focused on social issues. The Liberal Party of Australia (in opposition since 2007) advocates economic liberalism and the new-right approach (increasingly socially conservative policies and welfare reforms).
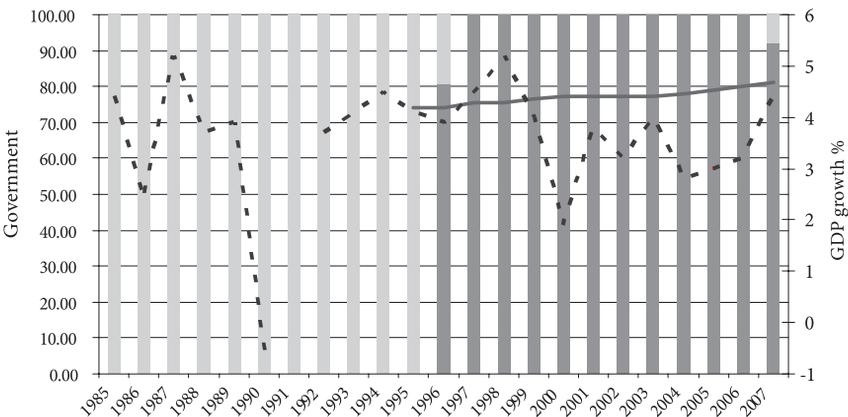

Figure 2: Australia - government orientation,
GDP growth and Heritage ranking
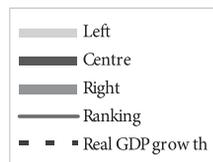
In the 2007 Heritage Index, Australia's economic freedom score was 82.6, making its economy the third freest in the world, well above the regional and world averages. Sound macroeconomic policies and well-implemented structural reforms have allowed the Australian economy to weather the financial and economic crisis better than many other advanced economies. Overall, the Australian economy is well equipped in terms of its structural strength. Monetary stability and openness to global commerce continue to facilitate a competitive financial and investment environment based on market principles. A strong rule of law protects property rights, and corruption is perceived as minimal. Both foreign and domestically owned businesses enjoy considerable flexibility under licensing and regulatory schemes. Measures to enhance public finance and maintain long-term fiscal sustainability are focused on achieving better efficiency and effectiveness. Of all components, Australia has been achieving the best ranking regarding property rights and financial freedom - almost double the world average. However, government spending and fiscal freedom are surprisingly below the world average, and that is the area wherein the least improvement has been achieved. That is why, according to Benoit and Laver, the second highest weight the Australian government attaches to the issues of taxes vs. spending, while much less importance is attached to social issues, deregulation, immigration, etc. Since 2000, the Australian government has been particularly active in improving all aspects of business freedom which has resulted in a significant rise of its score by almost one-third. The second major line of improvement has been related to improving freedom from corruption.

Ireland

For a number of years, Ireland has been the best ranked European country in terms of economic freedom, holding the fourth place in the world. The year 2001 seems to be a turning point when, after three years in power, the policies implemented by the right-oriented government have started to provide benefits for the economy. The highest economic growth was recorded in the period 1991-97, during which the government encompassed all there major orientations: the Right, the Left and the Centre. Nevertheless, turbulent economic times at the beginning of this century were difficult to handle by the government and real GDP growth significantly fluctuated (though at a much smaller amplitude than during the 1980s).

Governments in Ireland have traditionally been coalition-based. The current ruling party in the state is Fianna Fáil, a traditionally liberal conservative party founded in 1927, with republican populism as its key orientation. It has formed a government seven times since Ireland gained independence, most recently in the periods 1987-94 and since 1997. Fine Gael is the second largest party, with strong beliefs in the entrepreneurial system and the European future, remaining in essence a Christian democratic party. It participated in the government in the periods 1982-87 and 1994-97. The third largest party is the centre-left Labour Party, linked with the trade union movement, which has been a minor partner in seven coalition governments.
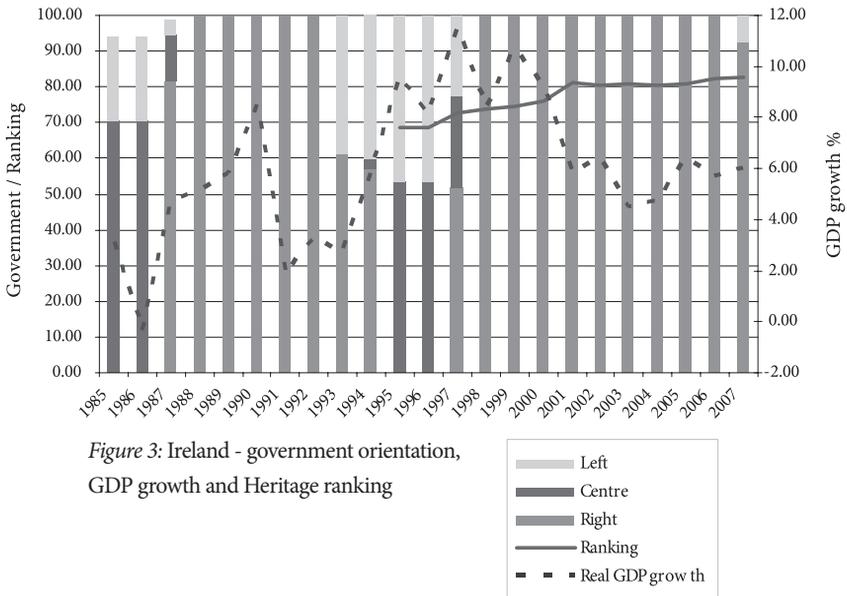
*Figure 3:* Ireland - government orientation,
GDP growth and Heritage ranking

Ireland's modern, service-oriented economy performed extraordinarily well throughout the 1990s and had benefited substantially from its openness and flexibility. However, the financial sector was seriously affected by the global financial turmoil and the economy has suffered sharp economic adjustments since late 2008. Despite the crisis, Ireland's overall levels of economic freedom remain high, sustained by the institutional strengths, such as strong protection of property rights, low level of corruption, efficient business regulation, and competitive tax rates. The highest scores Ireland received regarding property rights, financial freedom and investment freedom - the latter two recording the most significant (almost one-third) improvements during the period. The business freedom parameter remains at the top of the country's rank but it has showed the least improvement since 1995. Similarly to Australia, fiscal freedom and government spending in Ireland have for some time been seriously below the world average. This is the reason why, according to the research of Benoit and Laver, that Ireland's government attaches the highest importance to taxes vs. spending in comparison to all other issues.

New Zealand

In 2007, New Zealand ranked the fifth in the world regarding its overall economic freedom and has been among the top ten countries for a number of years. Contrary to long-held views, its left-wing government has managed to implement major

deregulation policies for upgrading the business freedom to the highest possible levels (99.9 score out of 100). Though basis for this improvement was built in the period 1998-89, during the right-oriented government, the majority of regulatory improvements were done since the change of the government. Also, major fluctuations (both positive and negative) of the real GDP growth were recorded during the right-wing government (1991-99).

Since 1996, New Zealand has a multi-party system but neither of the two major parties has been able to solely form a government. The two largest, and oldest, parties are the National Party (centre-right conservative) and the Labour Party (centre-left progressive). For a long time, the dominant National Party has been advocating tax and social welfare reductions, as well as the promotion of free trade. The Labour Party describes itself as socially liberal and progressive, in terms of stronger public policy and reforms.
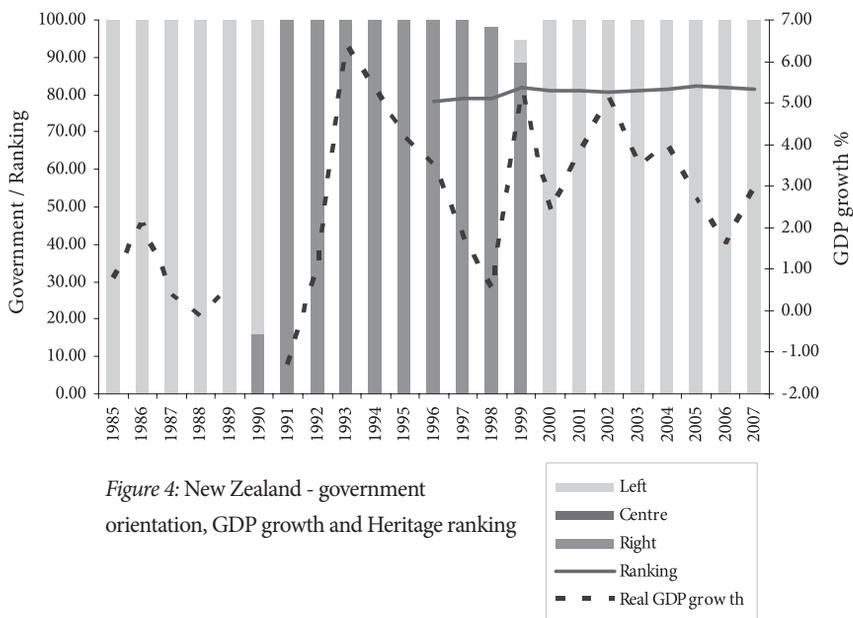
Figure 4: New Zealand - government
orientation, GDP growth and Heritage ranking

New Zealand continues to be a global leader in economic freedom, performing well on most of the components measured in the Heritage Index. The economy has an impressive record of market reforms and benefits from its openness to global trade and investment. The country's efficient legal and regulatory environment strongly supports entrepreneurial activity while restrictions on foreign investment apply in only a few sectors. Facilitating the economy's overall competitiveness, the government

has recently cut the corporate tax rate. Inflationary pressures have decreased, with monetary stability intact. New Zealand also boasts an efficient, independent judiciary that protects property rights, and the level of corruption is extraordinarily low. The score for freedom of corruption is the highest (with Denmark) among the countries under review and has kept such a rank since 1995, regardless of the government's orientation. The lowest scores the country has in terms of the government size and fiscal burden, and the two parameters have actually worsened since the left-wing government came to power in 2000.

United States

In 2007, the overall score for the United States placed it at the sixth position in the world, but has deteriorated since then reflecting notable decreases in financial freedom, monetary freedom, and property rights. The period between 2000 and 2007 was especially fruitful for the economic freedom in the country, probably reflecting also the change from the centre-oriented Democrat government to the Republicans. This shift was also accompanied by a serious decline in the real GDP growth to recover only in 2004. Besides the fact of being the world largest economy, another particular feature of the US is significant for this review. A federal form of government that reserves significant powers to states and localities has encouraged diverse economic policies and strategies. The national government's role in the economy, already expanding under President George W. Bush, has grown sharply under the new administration.
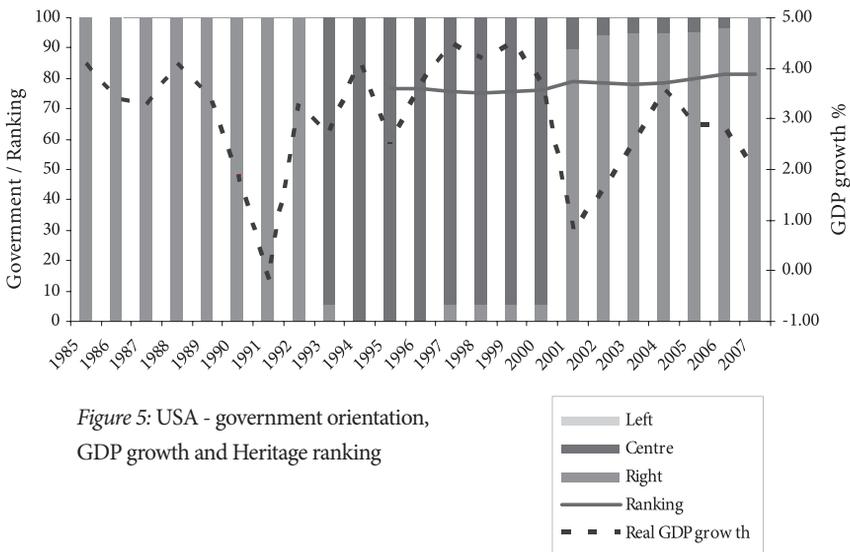
Figure 5: USA - government orientation,
GDP growth and Heritage ranking

The Democratic Party and the Republican Party have been the dominant players for more than 150 years. The Democratic Party has consistently positioned itself to the left of the Republican Party, from the aspect of economic as well as social issues, particularly when it comes to the role of government to create opportunities for the citizens (social liberalism). Bearing in mind the peculiarities of the US political scene, the Republican Party is a conservative party that supports economic liberalism, fiscal conservatism (in terms of reducing the national debt, government spending and taxes) and traditional values.

The composition of the US rank is particularly interesting: the highest scores the country has been receiving are for labour and business freedom. The regulation of labour relations has scored better only in Denmark, while the other countries under the review fall well behind (especially Germany and Luxembourg, where labour relations and minimal wages have been strictly defined). Significant improvements (a 15% rise in score) have been recorded only in terms of financial and investment freedom, though the improvements could not be compared to those achieved by other countries. As in other countries under review, its fiscal freedom and government spending have the scores below the world average. What has to be pointed out is that among all the reviewed countries, the US has the worst score regarding the freedom from corruption and it has been continuously worsening since 1997.

Denmark

Denmark was the second best ranked European country in the 2007 Heritage Index, slightly improving its score in the period under review. During the left-centre-right coalition government in 1993-96, Denmark recorded the highest rise and also a serious decline of the real GDP. However, this decline was still of a lesser degree compared to the decline during the left-right coalition (2000-02). The right-wing government has afterwards managed to revive the growth. The turning point in allowing more business freedom was the year of 2003 when Denmark achieved the highest possible score of 100 in the category, unmatched by any other country under review. Also, that was the year during which the financial freedom seriously advanced.

Coalition-based governments have been a political reality in Denmark since 1982, with two dominant parties of equal strength today: Venstre - Denmark's Liberal Party and the left-wing Social Democrats. Venstre is the largest party in Denmark, supporting free-market and conservative policies. It had formed coalitions also with the Conservative People's Party and the Danish Social Liberal Party. The Social Democrats' government through the 1990s and continuing in the 21st century implemented a critical income redistribution policy, widened public services and improved infrastructure. During the period, they received support from the Socialist People's Party (democratic socialism and anti-European orientation) and the Red-Green Alliance (anti-capitalism, Euro-scepticism). Due to the rising debt, however, Social Democrats lost power in 2001 and the right-wing politics took over.
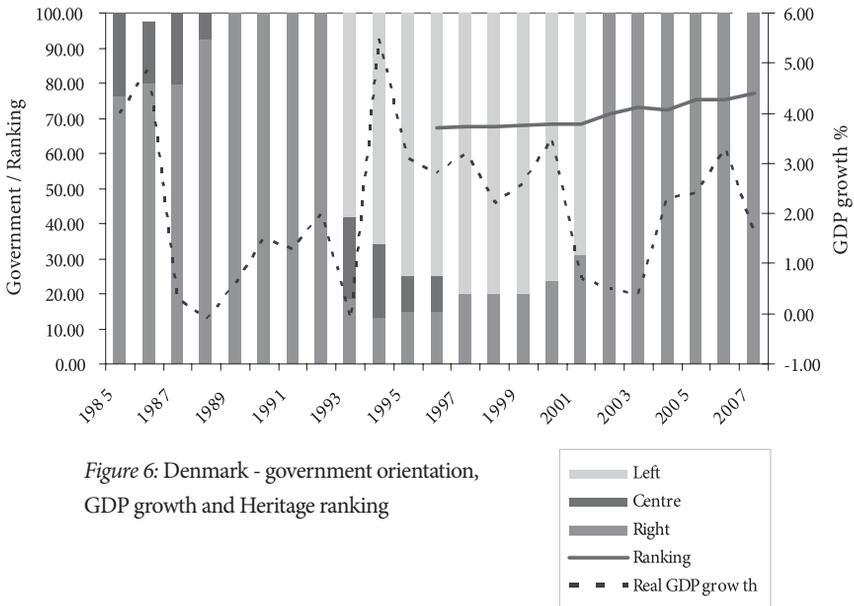
Figure 6: Denmark - government orientation,
GDP growth and Heritage ranking

Legend:
Left
Centre
Right
Ranking
Real GDP grow th

Denmark's modern and competitive economy has been performing well on many of the 10 economic freedoms, particularly related to enhancing entrepreneurship and macroeconomic stability, together with a strong tradition of openness to global trade and investment, as well as transparent and efficient regulation. Business freedom in Denmark has, as in the case of New Zealand, received the highest score (99.9), as well as the labour freedom which in 2008 received the score of 100. Two significant weaknesses continue to hold down Denmark's overall economic freedom. Despite a gradual decline over the past years, government spending remains over 50% of the GDP. While the corporate tax rate is moderate, personal income taxes are very high, and the overall tax burden is significant. For that reason, the parameters of fiscal freedom and especially government size have been extremely low - seriously below the majority of the developing countries (e.g. the score for Guyana was 26 while the one for Denmark was 20.4).

United Kingdom

The 2007 Heritage Index placed the United Kingdom at the 10th place and the overall ranking of the country has remained more or less unchanged for a number of years. Following the market reforms instituted by Margaret Thatcher in the 1980s, the country experienced steady economic growth, outpacing other large European Union economies. Since the left-wing party came to power in 1998, the fluctuations of real GDP have been smaller but the overall level is much lower than the peak

achieved under the right-wing government in 1988. It has to be noted that since 1995, business freedom has declined from a score of 100 to 91.2 in 2007 but trade freedom has improved to a similar degree. In addition, investment freedom recorded a significant rise during the left-wing government in 2005. However, the government's size and spending have grown significantly under successive Labour governments, damaging the UK's competitive edge.

As in the whole post-war period, the last decades of the twentieth century saw Labour governments alternating with Conservative governments. The Labour Party (centre-left) has undergone significant transformations since its foundations in 1900. Today, it strongly supports social democracy, i.e. public ownership, government intervention, income redistribution, but also certain postulates of neoliberalism. A 'Third Way' approach was introduced by Tony Blair, as a centrist compromise between free market capitalism and democratic socialism. On the other hand, the Conservative Party supports liberal and traditionally conservative values, as well as the national unity (one-nation-conservativism) and maximization of individual liberties. For most of the 1980s and the 1990s, Conservative governments (centre-right), pursued policies of extensive privatization, anti-trade-unionism and control of the money supply.
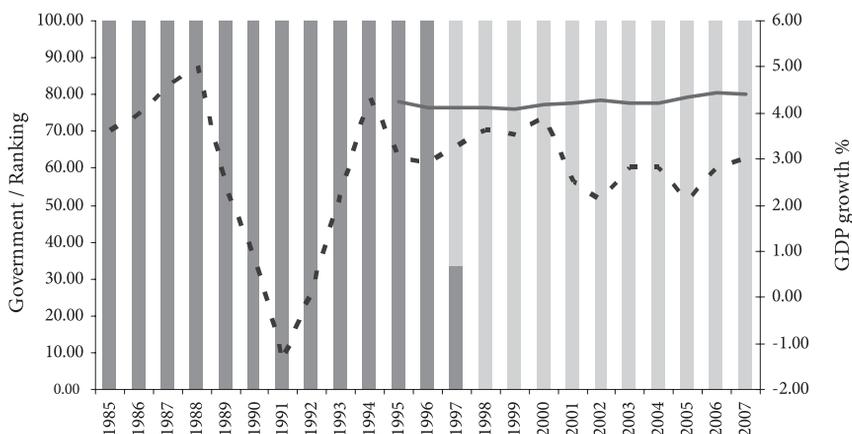
*Figure 7*: United Kingdom - government orientation, GDP growth and Heritage ranking
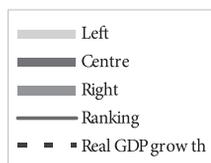
In comparison to the rest of the world, it is surprising that the UK has recorded a decline of monetary freedom (particularly after 2007) resulting in its score being

just above the world average. This finding may probably be more strongly linked to the current crisis and the high dependence of the UK on international financial flows than to a major change in government major orientation. In terms of fiscal freedom, there has been no improvement regardless of the change in government.

Luxembourg

Luxembourg, one of the leading global financial centres and a sophisticated service-dominated economy, has long benefited from a favourable climate for entrepreneurial activity and high levels of openness and flexibility. In 2007, the country was ranked 15th in terms of general economic freedom which had been deteriorating since 2001. Actually, the highest scores the country received was during the period of the right-centre coalition in 1999-2004. The scores were considerably higher than those in the previous and successive periods (the left-centre coalition). Regarding the fluctuations of the real GDP, there were no significant differences to the composition of the government in the research period.

During the last decades, the Christian Social People's Party (CSV) has usually formed coalition governments, most often with the Luxembourg Socialist Workers' Party (1984-1999) and with the centre-oriented, liberal Democratic Party (1999-2004). CSV is a Christian-democratic and conservative party but with a strong pro-European orientation.
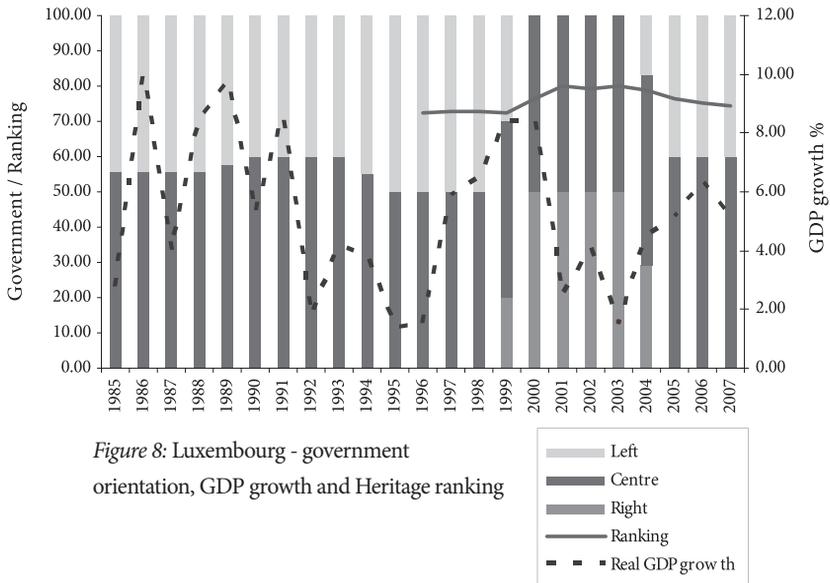
Figure 8: Luxembourg - government orientation, GDP growth and Heritage ranking

Similarly to other countries under review, the best scores Luxembourg achieved were in the areas of property rights and investment freedom, the latter showing the second highest increase over time. The business freedom score declined almost 11% since 1996. The areas with the worst performance are in labour freedom, government size and fiscal freedom though the last two have shown significant improvements in the period 2000-03 (the right-centre coalition). Personal tax rates remained high, although the corporate rate was relatively low. Government expenditures, while lower than in some other European Union countries, accounted for almost 40% of the GDP.

Germany

In the 2007 Heritage Index Germany was ranked 25th and its position remained almost the same during the whole period under review. Regardless of changes in the composition of government, the level of economic freedom did not changed significantly. This does not stand for the fluctuations of real GDP growth which had been much higher (both positive and negative) during the periods of the right-centre coalition up to 1998. What has to be noted is that apart from the decline in 1993, the level of GDP growth was significantly lower in the period of the left-oriented government from 1999-2005. The turning point for business freedom in Germany was the year 2006 when the score rose almost 13% and all other parameters recorded an increase. One of the reasons for that was certainly the success of conservative Angela Merkel in 2006, but the need to form a wide coalition (including Social Democrats) may have seriously limited the possibilities for structural reforms to be carried out.

The main political actors in Germany are the Social Democratic Party (SPD) and the Christian Democratic Union (CDU), with its sister party, the Christian Social Union (CSU) in the same parliamentary group, also known as (CDU/CSU). The centre-right CDU supports political Protestantism, as well as neoliberalism, fiscal conservatism and national conservatism (traditional social and ethical views), along with a strong advocacy of the social market economy. The centre-left Social Democratic Party is the oldest party in Germany and was in a grand coalition with the CDU/CSU from 2005 to 2009. Its main political platform includes the transformation of capitalism, the Third Way approach, improvement in social ownership and a coordinated social market economy. The values of freedom and social justice are of the highest importance.

As in many other European social democracies, Germany recorded a very low score on government size - of all the countries under review, a lower score in this area was recorded only in Denmark, another welfare state. Government spending and fiscal freedom scores are well below the world average. The downward trend in government spending since 2003 is likely to be reversed in light of the global recession. Among the countries under review, the German government attaches by far the

Figure 9: Germany - government orientation,
GDP growth and Heritage ranking
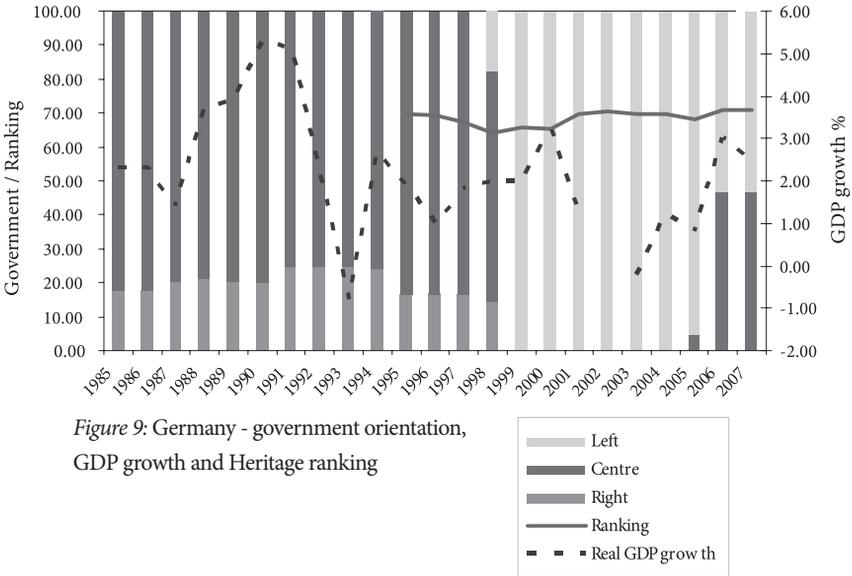
highest importance to the issue of taxes vs. spending (Benoit and Laver), surpassing the issues of EU collective security, decentralisation, etc. Investment freedom recorded high scores only in the period 2001-07 and has deteriorated afterwards. The most striking feature is definitely an extremely low level of labour freedom, in line with traditional conservative orientations, which has further declined since the change of government in 2006. Such a low score in this area is comparable only to Luxembourg with a similar left-centre government orientation. Finally, of all the countries under review, Germany has the lowest score in terms of financial freedom and it remained almost unchanged regardless of the changes in government.

Conclusion

Although with a rather limited sample, this review first aimed at presenting the evolution of government attitudes and policies towards interventions in the economy, in the period 1995-2007. Secondly, on the basis of this comparison, it aimed at contrasting the governments' 'official' classification (as to its distance from the centre) with the actual policy outputs in the domain of free enterprise. Finally, it aimed at identifying both similar and different attitudes of the Left and the Right towards economic freedom. The sample included developed market economies that differ in all significant economic and political aspects. For the period 1985-2007, two countries (Australia and the United Kingdom) had both left and right governments for almost equal periods. Ireland, the United States and Denmark had predominantly right-oriented parties in power, while Luxembourg and

Germany opted for centre-placed governments. Only New Zealand had, in the period under review, predominantly left-wing parties forming the government. According to the latest OECD data, the United States, United Kingdom and Denmark had the least restrictive markets; Germany's market was in the category of moderate restrictiveness, while Luxembourg was assessed as having the most restrictive market. According to the Heritage Index of Economic Freedom 2007, all countries, apart from Luxembourg and Germany, were included in the top ten countries, corresponding broadly to the OECD findings. The best ranked, Australia and Ireland, also recorded significantly higher real GDP growth (apart from Luxembourg) than the rest.

Of all the countries, Ireland and Australia have recorded the most notable rise in economic freedom during the reviewed period, while Germany and the United Kingdom remained more or less at the same position, regardless of the change in government.

Though this research unveiled many differences, there are certain similarities which, bearing in mind contrasting governments' composition and predominant orientation (left-centre-right), might be of particular importance. All countries have recorded the highest scores for the basic market-economy categories, i.e. property rights and financial freedom (though the latter slightly fluctuated across countries and time). General orientations and policies might have varied according to the local environments and global economic climate of the day, but market fundamentals have never been questioned - at least from those two aspects.

Another striking similarity among the countries (apart from the left-centre coalition in Luxembourg) is that the since the beginning of 2005, all governments have pursued policies of further trade liberalization thus grasping the benefits of relatively favourable economic conditions on the world scale.
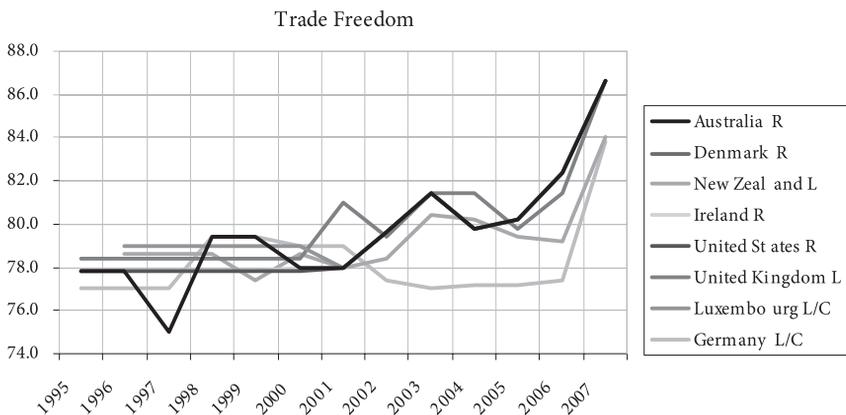
Figure 10: Convergence of trade policies (Heritage Index)

Convincing similarities could also be found when governmental spending and fiscal burden were assessed. If total governmental spending (all levels of government) is compared to GDP, the majority of countries under review (apart from Germany and particularly Denmark) had recorded medium-range scores that improved slightly in the period 1999 to 2002. With the noted exceptions, the right-oriented governments outpaced the Left ones from this aspect.

Regarding fiscal freedom (personal income and corporate taxes, as well as tax revenue as a percentage of GDP), all countries (except for Denmark) had managed to slightly alleviate the burden in 2004-07 despite of the very different starting points.
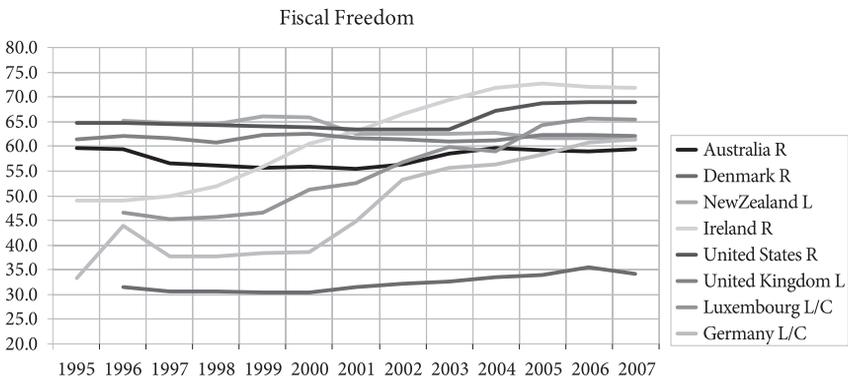
Fiscal Freedom

Figure 11: Convergence of fiscal policies (Heritage Index)

Except for the left-centre coalitions in Germany and Luxembourg, the year 2005 saw a general rise in business freedom and support for entrepreneurial efforts. This was manifested in cutting 'red tape', reducing administrative costs, etc. Contrary to long-held beliefs that left-wing parties generally pursue more interventionist policies, New Zealand's left-oriented governments (since 2000) managed to raise the country's rank in business freedom to the ultimate level of 99.9 out of 100.

As to the functioning of labour market fundamentals (minimum wage, wage-fixing system, etc), the majority of countries, again except for Germany and Luxembourg, had relaxed regulations and kept relatively high scores during the whole period. Again, New Zealand was far above the traditionally right-wing governments of Australia and Ireland - the latter being at the same score level with the left government in the UK.

Concerning investment freedom (national treatment, burdensome bureaucracy, real-estate purchase or multiple-sector investment restricted, foreign-exchange of

capital controls), the right-oriented governments (the US, Denmark, Australia) scored surprisingly worse than the left-wing governments (New Zealand and the UK) and the left-centre coalitions. The period between 1999 and 2001 was the turning point for a significant rise of investment freedom in Germany and Luxembourg but again with the different political underlying: in 2000 Luxembourg got a right-centre coalition, while in 1999 Germany elected a left-oriented government which in coalition with the centre remained during the rest of the research period.

Regarding the freedom from corruption (based primarily on the Transparency International's Corruption Perception Index CPI), the year 1996 was a critical period: a rise of perceived corruption was recorded for the majority of governments, most notably for the right-oriented governments of the US and Ireland (14% and almost 50%, respectively). Only New Zealand and Denmark were perce ived as countries wherein the danger of corruption had been declining, the latter having recorded the highest scores during the left-right coalition in 1997-2002.

Traditional distinctions between the parties regarding their basic stances towards the economic sphere have for a long time included many presumptions. The Left has been seen to favour price control, regulation against monopolies, minimum wage fixing and substantial state ownership. The Right has been perceived as opposing wide government regulation of business, giving less support to labour unions, reforms and changes, while supporting free trade (in contradiction with favouring economic nationalism) and the idea of equality of opportunities as opposed to equality of outcome. When all data series are compared in the various components of economic freedom, changes of a government's primary orientation seem of the least importance for investment freedom, labour freedom and trade freedom. On the other hand, the changing orientation of the ruling structure seems to make more impact on particular policies related to business freedom, fiscal freedom and government spending. However, in general, the data series do not reflect differences that could be expected on the basis of the ideological varieties among the governments - Liberals, Democrats, labour and workers' parties, Christian-democrats, Republicans, Conservatives, Third Way, centre, etc.

Towards the end of the research period, it became clear that global financial flows are starting to endanger economic prosperity. Economic imperatives for all governments have become so dominant that traditional classifications of parties are becoming blurred, regardless of the spatial language used by researchers or parties themselves.

If parties want to implement the policies upon which they campaign and to preside over re-electable macroeconomic outcomes, then the constraints the global economy imposes on the Keynesian welfare state should also force the Left parties to become more moderate (Nelson and Way, 13). A similar way of thinking could be implemented when the future of the contemporary Right is speculated about. The pressures from global economic flows might influence reconsideration of the

arm's length policies and the 'natural' outcomes of competition, both domestically and internationally.

With the advent of the world crisis, numerous intergovernmental fora have intensified their plans for a multitude of joint actions, involving governments with various orientations. The level of success in setting up / implementing global economic or financial standards will point to the future (un)importance of ideological differences in modern market economies. It will also point out which new criteria, if any, will have to be developed in order to draw new spatial maps of contemporary politics. Having in mind the existence of various classification schemes it is difficult to envisage which new factors will improve the exactness of positioning on the political spectrum. One of the options for future research may be to exclude certain aspects of economic policy that make no difference any more or economic parameters all together from criteria for party classification. Considering an ever increasing dominance of economic outputs for the society as a whole, this option is highly unlikely. Another option, certainly more academically justifiable, may be in developing a parallel, 'economic ideology' spatial map, which should serve as a complement to the existing multidimensional maps of political ideologies. This scenario would require careful and general re-examination of economic-freedom criteria and differentiate governments as to the level of a country's development, thus eliminating the danger of applying the same criteria to different development levels and modes. Furthermore, this scenario would probably need to leave out basic building blocks of market economy (e.g. trade openness, investment and financial freedom, property rights) and attach more weight to fundamental macroeconomic policies (e.g. cost-efficiency of government, its redistributive effects on market efficiency, inflation control, market openness, etc.).

Bibliography

Armingeon, K., P. Potolidis, M. Gerber and Ph. Leimgruber. (2009) *Comparative Political Data Set 1960-2007.* Berne: Institute of Political Science, University of Berne.

Benoit, K. and M. Laver. (2006) *Party Politics in Modern Democracies.* London: Routledge.

Blattberg, C. (2009) *Patriotic Elaborations: Essays in Practical Philosophy.* Montreal and Kingston: McGill-Queen's University Press.

Bobbio, N. (1996) *Left and Right: The Significance of a Political Distinction.* Chicago: University of Chicago Press.

Boix, C. (1998) *Political Parties, Growth and Equality: Conservative and Social Democratic Strategies in the World Economy.* Cambridge MA: Cambridge University Press.

Davis, W. (2007) 'Partisanship and Central Bank Independence: Is There a policy-Ideology Trade-Off?'. New Orleans: Southern Political Science Association Annual Meeting.

Downs, A. (1957) 'An Economic Theory of Political Action in a Democracy'. *Journal of Political Economy*, 65(2): 135-150.

Faye, J. (1996) *Le siecle des ideologies.* Paris: Arman Colin

Garrett, G. (1998) *Partisan Politics in the Global Economy.* Cambridge: Cambridge University Press.

Giddens, A. (1994) *Beyond the Left and the Right: the future of radical politics.* Stanford: Stanford University Press.

Haupt, A. B. (2010) 'Parties' Responses to Economic Globalization: What is Left and Right for the Right?'. *Party Politics*, 16: 5-27.

Horino, I. (2008) 'Partisanship, Factor Endowment, and Economic Openness in 21 OECD Countries: Examining Domestic Sources for Interdependence'. Paper presented at the International Studies Association Convention, San Francisco.

Janda, K. (1993) 'Comparative Political Parties: Research and Theory', in: *Political Science: The State of the Discipline,* A. W. Finifter (ed.) Washington D.C.: American Political Science Association.

Kim, A., D. Markheim, J. Roberts, and C. Walsh. (2009) *2010 Index of Economic Freedom.* Washington: The Heritage Foundation.

Laponce, J. A. (1961) *The Government of the Fifth Republic: French political parties and the constitution.* Berkeley: University of California Press.

Milner, H. and B. Judkins (2004) 'Partisanship, Trade Policy, and Globalization: Is There a Left-Right Divide on Trade Policy?'. *International Studies Quarterly,* 48(1): 95-119.

Wölfl, A., I. Wanner, T. Kozluk, and G. Nicoletti (2009) 'Ten Years of Product Market Reform in OECD Countries - Insights from a Revised PMR Indicator.' *Economics Department Working Papers* No.695, Vienna: OECD.

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Phenomenology of Modern Terrorism

Abstract

This paper focuses on conceptual definition of modern terrorism and scientific problems related to the trajectory (development) of generally acceptable definition of terrorism. In this paper, in addition to the conceptual definitions of terrorism, the author proposes his own definition of terrorism. The author has given special attention to the motives of the perpetrators of modern terrorism, offering his postulate that each type of terrorism is politically motivated. In addition to the analysis of the concept and definition of terrorism, the concepts and definitions of terror and guerrilla are also presented in this paper. Definitions of terrorism given by famous theorists are also critically analyzed, particularly academic and administrative definitions of terrorism, with the emphasis on administrative, or fiat definitions. In the conclusion of the paper the author emphasizes great challenges facing the international security system of today, specifically the problems of preservation of integral security of citizens and protection of citizens from the emerging controlled political violence - terrorism.

Key words: terrorism, terrorist activities, antiterrorism, terror, guerrilla, international community, motives

Phenomenology of modern terrorism has increasingly become an object of interest for modern legal science. In regard to Kant's statement that phenomenology is a phenomenon and the newest scientific theories that phenomenology is a description and analysis of the phenomenon in a certain scientific field, it is evident that modern terrorism has become a very dangerous phenomenon. At the beginning of the 21st century, terrorism as a type of violence has become the most significant challenge for an individual state and its security institutions, as well as for the Organization of the United Nations. Terrorist activities in the 20th century were an enigma and a big problem to the international security system, however in the 21st century it is to become even bigger one, so each step forward in finding out the methods, identification and contents of terrorism is a significant improvement towards creating the preconditions for successful opposition to such type of violence. Consequently, an intensive preparation of not only certain states but of all states is necessary for connecting theory and practice in the identification of and opposition to the violence that is becoming more frequent and dangerous.

Through research of this type of violence, it can be concluded that the problem of terrorism was one of the problems of the 20th century indeed, having developed itself on the grounds of alienation of individuals and groups, national conflicts, tensions, misuse of power in the states with dictatorship and absence of functioning of legal state. By its ideological foundation, terrorism in the past appeared as an ultra-right ("black" or fascistic) and ultra-left ("red"), or so-called quasi-revolutionary, and therefore intrinsically motivated targeted terrorism. By its field of action, terrorism is divided on urban and rural terrorism, maritime traffic terrorism and international air traffic terrorism. By its appearance on the territory of its own state, it is conditionally divided on domestic and international terrorism, based on its determining "element of foreignness". On the territory of their own state, domestic terrorists may commit a terrorist act against foreign diplomatic branch offices or persons with diplomatic immunity, which represent the elements of foreignness, thus causing it to become an international terrorist act. Hence domestic terrorism is the type of terrorism by which terrorists of one state make the citizens, government or properties of their own state the target of their violence or the threats of violence.

Modern-day models of international and domestic terrorism should be conceptually distinguished from other activities that are similar to them at first sight, such as guerrilla and terror.

In contrast to terrorists, guerrilla fighters wear the same kind of uniforms and formational armament; they appear in public - never hiding, and publicly announce the goals of their fight. According to the Geneva Convention of 12 August 1949, the guerrilla actions are defined by the Articles 4, 1 and 13, and the guerrilla fighters are also subjected to fulfill the conditions of the Article 1 of the Hague Rulebook. These conditions are as follows: They must have a leader responsible for his subordinates; they must have a certain symbol of identification - an emblem that could be recognizable at a distance; they must comply with the regulations of the international laws of war.

In non-democratic societies, a state uses terror towards its own citizens by imposing its influence on public opinion, aimed at the extortion of certain political decisions that the citizens would not accept in democratic circumstances. Sometimes a state uses terror against its own opposition, when there is a sufficient number of strong political personalities in the opposition that could pose political problems for the regime in certain circumstances. Two basic types of terror have to be distinguished: genocidal terror and terror as a way of ruling. The goal of genocidal terror is total extermination of a national, ethnic or religious group. In contrast to genocidal terror, terror as a way of ruling is a more rational one, because extermination is not a real goal of ruling the people, given the fact that the perpetrator of terror cannot rule the people after he has exterminated them. Therefore the circle of victims is narrower than the overall population, while the manipulation and threatening (Dimitrijević 1985: 105-167) can be directed to a larger target.

Terrorist actions are very complex and are not clarified yet, in particular the issue of their factors and in general the causes of their existence. Besides that, the objects of the attacks, as well as the methods implemented, are subject to constant change. Therefore the work on continued and successful opposition to terrorist actions is influenced by various circumstances, and it demands moderate conduct, patience, serious scientific research and top quality organization of protection and control for the purpose of early spotting the goals and methods in the activities of modern terrorism.

Definition of modern terrorism

Modern science is striving to offer a generally acceptable definition of terrorism. However, despite the fact that terrorism represents a real calamity for modern civilization, politics of many powerful states procrastinates defining of modern terrorism. There is a double standard in this case - some states use terrorism and then plan to provoke conflicts and instability in some regions without needing to involve their own military forces. Therefore, there are no good or bad terrorists, or justified and unjustified terrorism (all terrorists are bad and wrongful), despite the fact that great powers sometimes mislead public opinion in identification of modern terrorism with their own unethical demystification of these terms.

In the conceptual determination of modern terrorism, there are academic and administrative definitions. In the French language dictionary, terrorism is defined as "a set of violent acts carried out by some political organization for the purpose of making an influence on the population and creating a feeling of uncertainty" (Reyet, A. and Rey-Debove, J. 1979: 1950). In the English language dictionary terrorism is defined as "a method of the rule, or the opposition to some government, in attempt to cause fear"(Flaxner, S. B. 1971: 1447). In the Italian language dictionary terrorism is defined as "a tool of extreme and illegal violence in political battle" (Felici, L. 1989: 2006).

For example, Raphael Lemkin (Lemkin 1993: 900-901) defines terrorism as "premeditated use of any tool that can create a general danger (danger commun)".

The general danger is indeed a danger threatening interests of many states or their citizens alike. Lemkin thinks that, in its broadest meaning, terrorism embodies intimidation of people by doing violent actions.

Antoine Sottile (Sottile 1938: 96) defines terrorism as a method of criminal activity characterized by terror and violence for the purpose of attaining a certain goal. Hence it is a criminal act carried out with the use of intimidation and violence for the purpose of accomplishing a certain pattern.

G. Pontera (Pontera 1979: 58) defines terrorism as each act that is carried out as a method of political struggle, using extreme violence towards the victims. A theoretician Glaser thinks that terrorism is "the use of violence with the help of

various tools, aiming at realization of an individual profit on its own, or of a certain political doctrine which determines whether it is the crime of general law or political delict". P. Robert defines terrorism as "the use of measures of violence with the aim of achieving political effects through individual or collective assassinations or the ravage in form of taking, preserving or executing the power as directed by certain political bodies in attempt to cause fear and uncertainty."

According to A. Schmidt, 22 elements are singled out as characteristic to the concept of "terrorism": use of force; political characteristic; raising fear; intimidation; threat; expectation of psychological effects; diversity of types of victims and a wide range of attack; organized action; methods used in the fighting strategy; breaking the rules and inhumanity; extortion and coercion; publicity; tyranny and absence of discernment; victims are mostly civilians; principally the victims are innocent people; organized acts of violence; exposure to the publicity and presentation of their "acts" to others; unpredictability; secretiveness (or concealment); repetition; criminal nature; demands and ultimatums directed to other people (Gacinovic 2005: 39).

Even Karl Marx (1979: 47) in his reflection on terrorism wrote: "In most of the cases, terrorism is a compound of useless cruelties made by people being frightened themselves, trying in such a way to abolish the precariousness."

Walter Laqueur, a former manager of London's Institute for Contemporary History, counted 109 definitions of terrorism in the period from 1963 to 1981[1] altogether, and to this day many more have followed. Unsuccessful attempts to establish a definition that would be acceptable by everybody are quite numerous. Laqueur thinks that terrorism is a contribution to achieving political goal by illegal use of force, having innocent people for the target.

According to Katarina Tomasevski, "The concept of "terrorism" encompasses various acts of violence and imperilment of human rights and human lives, as well as public or collective, and individual property. Multitude and diversity of the acts referring to the concept of "terrorism" partially explain the fact that a comprehensive and generally acceptable definition of terrorism has not been found yet". However, an even more important cause of the failed attempt to reach a compromise on defining terrorism should be searched for in the fact that terrorism is always politically motivated (Tomasevski 1983: 13-22).

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1 The oftenness of the definition elements of terrorism in 109 definitions of terrorism: Violence, force 83,5%; Political element 5%; Fear, reinforced terror 51%; Threat 47,5%; (Psychological) Effects and (expected) Reactions 41,5%; Differentiation of the victim-target 37,5%; Intentional, planned, systematical, organized action 32%; Method of the battle, strategy, tactics 30, 5%; Anomalies in the break of accepted rules without humanitarian limitation 30%; Coercion, extortion of compliance 28%; Publicity 21,5%; Tyranny, impersonality, rambling personality 21%; Civilians, neutral persons, outsiders as the victims 17,5%; Intimidation 17%; Emphasized innocence of the victims 15,5%; Group, movement, organization as executer 14%; Symbolical aspect, demonstration for the others 13,5%; Unpredictability, suddenness of violent action 9%; Secret, hidden nature 9%; Repetition, serial or campaign character of violence 7%; Crime 6%; Demands made to the third parties 4%. (Walter Laqueur, "Reflections on terrorism", *Foreign Affairs*, Fall 1986).

Therefore terrorism is "a peculiarly legal concept" (delictum *sui generis*) - its history is always closely connected with the history of political delict.

Paul Wilkinson uses a syntagm "political terrorism". According to Wilkinson, besides political one there is also criminal terrorism, and he defines criminal terrorism as "the systematic use of acts of terror for objectives of private material gain" (Wilkinson 1974). However, this author has not made a clear distinction between terrorism and crime, and so this problem is even more ambiguous one, and this definition is not related to the scientific insight into profound dimension of terrorism as a precondition for the attempt to successfully define it.

Philip Karber (Karber 1971: 527-533) thinks that "as a symbolic act, terrorism can be analyzed much like other mediums of communications, consisting of four basic components: transmitter (terrorist); independent receiver (target); message (bomb, ambush or some other terrorist action) and feed-back (reaction of a certain circle of listeners)." There are theoreticians who define terrorism as a theatre whose goal is not to have the victims involved, but to provoke a reaction from the observers. Hence modern terrorism can also be understood as an attempt of transmitting a message using political terrorism.

Willemijn Schreuder accepted a definition from the Webster University Dictionary (1981), by which terrorism is defined as the systematic use of terror as a method of intimidation, and that terror is violence carried out by groups for the purpose of intimidating population or government for getting the approval of their demands (Schreuder 1988: 52). Regardless of the fact that it is the definition from the prominent University Dictionary, the main flaw of this definition is the equalization of terrorism and terror, which should be avoided when defining terrorism, because the government cannot be intimidated by the use of terror, on the contrary, the government with the use of terror can intimidate its own population.

Gaston Bouthoul wrote the following lines on terrorism: "Terrorism has been greatly influenced by intellectual and doctrinal ideas. In the context of research of the motives for terrorism, it is possible to discover a changing level of ideological values. One ideological trend after another got rid of series of terrorist violent actions whose justification went in line with current opinions based on patriotism, nationalism, racism, cultural intolerance, religious fanaticism and political dogma" (Bouthoul 1975: 52).

Martha Crenshaw thinks that terrorism could not be defined if the very act of terrorism itself is not analyzed, as well as its goal and chances for success. According to Crenshaw, terrorism represents socially and politically unacceptable violence directed at innocent people in order to achieve psychological effect (Vajt 2004: 10).

Ronald D. Crelisten defined terrorism as a form of political communication. More precisely, it is an intentional use of violence or the threat of violence that should provoke fear (or terror), while the demands for compliance are directed at another group of targets. Provoked terror is the tool by which the compliance or obedience are

achieved. The use of violence or the threat of violence is usually directed at one group of targets (the victims), while the demands for compliance are directed at another group of targets. This is about the ternary relationship between terrorists and two different groups of targets. The obedience is achieved or maintained with one group of targets until it weakens in another group of targets from which the obedience is demanded, and until it weakens in other groups that the terrorists regard as their enemies. Regardless of the goal, each form of terrorism is created for the purpose of influencing the relationships between people, individuals and groups in one way or another. The conclusion is that terrorism is a tactic of using violence, or the threat of violence, with a communicative purpose. Its methods and causes depend on the context (Ibidem).

Jessica Stern proposes that terrorism represents the act of violence or the threat of violence against persons who are not soldiers, with the goal of getting a revenge, intimidating or influencing certain public in some other way (Dimitrijević 2005: 973). This definition, being rather imprecise, does not identify the doer of the act, nor does it define its purpose.

Boaz Ganor, the manager of Israeli Institute for Counter-Terrorism and former analyst of Israeli Ministry for Anti-Terrorism, approached the defining of terrorism from the point of positioning terrorism on the scale of violent conflicts, by which terrorism is pertained to conventional conflicts. Ganor's opinion is that "terrorism is an act of violent fighting that involves violence or threatens with the use of violence against civilians for the purpose of achieving political goals, while the guerrilla fighting is a violent fighting that involves or threatens with the use of violence against military targets, security forces or political leaders for the purpose of achieving political goals"(Ibidem: 974).

Paul Johnson proposes that terrorism is an intentional, systematic murder, involving mutilation and imperilment of innocent people with the aim of provoking fear for the purpose of achieving political goals (Gacinovic 2005: 39).

Nathan Brown, a professor of political sciences at the George Washington University, defines terrorism as "committing a violent act directed against one or more persons, aimed at intimidating one or more persons and in such a way to achieve one or more political goals of the person committing such an act" (Ibidem: 41).

M. Pashanski considers that terrorism involves systematic undertaking of armed activities, (or threatening that they will be undertaken), directed at carefully selected targets of the attack, in accordance with previously drafted plan and with the goal of causing political consequences in a society or, on a broader scale, in the international community. In the case when two or more states become directly or indirectly, intentionally or unintentionally involved in the terrorist acts, being involved either through their citizens or its property, being subjects or objects (or both subjects and objects) of the terrorist acts; or by the fact that certain persons and property (or both persons and property) which are under protection of the

international conventions are imperiled by such terrorist act, it is considered to be international terrorism (Pashanski 1982: 78) due to the elements of foreignness involved in it.

Vojin Dimitrijevic proposes that each act of terrorism committed by the people with political motives is determined with its relation to the government, and that "as such, it is political. Even though the political substance might sometimes be blurred by the diversity, it does not change the substance" (Dimitrijevic 1982: 37).

Academic definitions of terrorism concur in a statement that the most frequent elements in the definition of terrorism are violence as the method, the citizens and the government as the target, intimidation and extortion of political or social changes as the goals, and a great number of victims being the target towards which the terrorists aim at, points out the spectacularity as a defining element of terrorism.

Therefore, the political motive of a person committing an act is the prerequisite for defining some action as the terrorist one, because it is the only component of the definition that distinguishes terrorism from ordinary crime. Since the meaning of the word "terrorism" has been changing throughout history in accordance with political risk in each period that followed, the difficulty of establishing a conclusive definition of terrorism is not suprising.

Most of the authors who studied the phenomenon of terrorism are of the opinion that the political component is one of the main elements of terrorism. This can be noticed even in bilateral agreements, and in the legislatures of a great number of states, as well as in the documents of repressive state institutions.

Through the analysis of definitions of terrorism to date, the elements of the concept of terrorism such as violence, fear, goal and motive are clearly indicated.

Power is demonstrated by violence destruction of which goes beyond its psychological effects. Even though there is a high level of agreement in the academic literature that violence is the most relevant component in defining terrorism, psychological and structural violence needs to be unavoidably added to the concept of physical violence in the context of terrorism. A motive of a terrorist to commit a violent act is the most mysterious, and for the scientists it is still unreachable (unknown) element of a terrorist activity.

Terrorist activities, as long as they are perceived as the terrorist ones, never receive massive support of the citizens and general population. If the massive support becomes evident, then it is no longer terrorism, but guerrilla or mass uprising of the population. It is as equally important to keep in mind that the demands of the terrorists are never realistic or based on the law.

Academic definitions are based on scientific elaboration of the problems of modern terrorism. The majority of academic definitions are focused only on fear as an element that defines terrorism. However, there are also other forms of violence, such as threats, even self-initiated acts that may cause fear, and in these cases terrorism

is neither precisely defined, nor sufficiently distinguished from other political, social, even psychological phenomenon. Equalizing of terrorism and crime is noticeable, as well as equalizing of terrorism and terror, which certainly postpones bringing out generally acceptable definition of terrorism in the science.

It is a well-known fact that those having a political power to define legitimacy equally have a power to define terrorism. Accordingly, the problem in analytical defining of terrorism is still present.

Administrative definitions of terrorism, although with its deficiencies are the only ones being exercised in practice, i.e. the US State Department, The Federal Bureau of Investigation, the Team of Vice-President of the US, The US Ministry of Defense, The Informative Agency of the US Ministry of Defense and the Guidebook of The American Army for the fight against terrorism define terrorism in different ways.

The United Nations Organization defines a terrorist as each person acting without knowledge of the state, either as an individual or as a member of a group that is not recognized as a formal body or part of some nation, destroying or damaging property of civilians or government with the aim of achieving certain political goal. Terrorism is an act of killing, injuring, destroying or damaging property of civilians or government without clear permission of a certain government, committed by an individual or a group of people acting independently, or the governments acting by their own intentions or beliefs with the aim of achieving certain political goal (Gacinovic 2005: 47).

The United Nations Security Council Resolution No. 1377 in 2001, states that "the Security Council, on the level of the ministries of the member-states, announces that the acts of international terrorism represent a challenge to all states and the whole mankind… that the acts of terrorism cause harm to dignity and security of the people everywhere, imperil social and economical development of all states and that on the international level they undermine stability and welfare", and that the Security Council is "most deeply concerned for recorded rise of terrorist actions in (the context of) various world religions, motivated with intolerance and extremism."

The European Union defines terrorism as an intentional act that can seriously damage a state or an international organization, that is committed with the aim of severe intimidation of the population which unjustifiably forces the government or the international organization to do something or to refrain from any action, seriously destabilizing or damaging basic political, economical or social structures by attacking on one's life or physical integrity of a person, kidnapping, taking hostages, taking (seizuring) airplanes or ships, or producing, owning or transporting weapons or explosive.

In such way, so-called administrative definitions of terrorism are the ones that are the product of certain state (national) or international institutions. Their

inadequacy lies in the fact that they reflect ideological political views of the state or some other authority in generalizing, or in comparing with a concrete situation, therefore making such definition less generalized and consequently less applicable to some new and in many ways different situation.

Why it is difficult to define terrorism

There are many dilemmas (crux) in the world of science when defining terrorism, such as the following: How to distinguish terrorism from the fighting on the basis of the struggle of the people for self-determination and the fight against occupation; A question arises whether the activities of the state armed forces connected with potential use of nuclear weapons (given that the nuclear weapons by their own existence inflict fear/fright amongst the people) should be included in the definition; The issue of the relations between modern convention and the existing and future antiterrorist agreements. It is as well difficult to define terrorism due to the fact that it is "a contextual concept" and having stated that political, legal and social sciences are often disaccorded in their approach to defining this problem; due to the fact that the question of the definition is related to (de)legitimization and criminalization; due to the fact that there are many phenomenal models and kinds of terrorism with their various displays; due to the fact that the concept has been interpreted in different ways due to different understanding of terrorism during the last two hundred years of its existence.

It is necessary to point out the additional causes for not establishing generally acceptable definition of terrorism:

a) Emergence of a great number of incompetent, self-proclaimed experts in theoretical interpretation of modern terrorism who, due to the attractiveness of the phenomenon on the surface, got themselves into the labyrinths from which they are only occasionally taken back onto the surface by the politics of which they are eligible and naive vassals.

b) The double standards of great powers, in particular of the United States of America and the Great Britain, on conceptual determination and definition of terrorism. In consequence, the same content is interpreted in different ways, depending on their current political interests, which creates the biggest problem in launching a definite overall international anti-terrorist activity in the 21st century, at least in order to keep it under control.

c) Defining terrorism according to the orders. Anyone having political power to define "legitimacy" has the power to define terrorism as well. For example in the United States of America there are various definitions of terrorism by the State Department, the FBI, the Team of the Vice-President of the United States of America, the US Ministry of Defense and the Informative Agency of the Ministry of Defense, the CIA.

Scientists do not have a dilemma that terrorism is a problem, but there is still no unique answer to the question: What is terrorism?

Reaching an acceptable definition through a comparative analysis

By analyzing the definitions of terrorism given so far, a conclusion can be drawn that it is directed against the civilian population and against the state institutions in order to fight for achieving political goals. It is important to distinguish that systematic terrorist activities are different from the activities of criminals and pathological murderers. A criminal, in a similar way as a terrorist, uses violence as a tool for achieving his own goal. It is not relevant if the criminal uses violence as the goal for gaining money or material resources, or if he murders or inflicts injuries to certain victims for financial compensation - what is relevant is that in the essence he always acts for his own selfish (personal) reasons.

In contrast to terrorism, violent act of an ordinary criminal is not aimed at causing damage, especially not aimed at causing psychological consequences, apart from committing the act itself. The criminal undertakes a certain violent act to "terrorize the victims", such as is the case of threatening a salesman at the cashing desk full of money with a knife for the purpose of forcing him to handle the money. In consequence, the activity of a criminal does not imply consequences towards the masses or the surrounding environment, hence the most significant difference between a terrorist and a criminal is that the criminal is not interested in the influence he can have on the public - all that he wants is to take the money, run away and be as less visible as possible while doing it.

In addition, in order to successfully define terrorism it is necessary to distinguish terrorism from terror, being violence of a state and its institutions towards its own citizens.

By distinguishing terrorism from other forms of crime, a conclusion is drawn that terrorism is inevitably politically motivated; it can be violent or threatening with violence; directed at long-term psychological consequences apart from the context of direct victim of the violence; led by a certain terrorist organization whose members do not wear uniforms or identification insignia.

Terrorist, as a rule, thinks that he is not guilty for the crime that he committed, but the one who did not obey his order, which led to the crime committed. Unfortunately, there is no ultimate system of protection against terrorism. It is the Phoenix phenomenon. It is easily revitalized if one of its parts is kept alive. When determining - defining terrorism, the fact that a terrorist act is, as a rule, always intrinsically motivated should be taken into account.

Having this in mind, all the definitions of terrorism given so far have their own quality, but none of them has been generally accepted by the UN Organization.

There are justifications for that, as many definitions have been embroidered with political motives of those defining terrorism. Similarly, they do not seem to be strong in defining terrorist actions, which creates a space for applying double standards and for postponing the launch of an ultimate fight against terrorism on the global level.

With this in mind, the following prerequisites have to be taken into account for the purpose of drafting the most acceptable defining of terrorism:

- Terrorist commits a violent act or threatens with violence; terrorist is inevitably politically motivated (animus terrorandi) and is a member of a certain organization.

- Terrorists' actions are related to long-term psychological consequences (i.e. for the terrorists, the target of the attack is not as important as political repercussion of the action).

- Terrorism is never supported by the majority of the population. If a specific type of violence is supported by the majority of the population it is no longer considered to be terrorism but guerrilla or mass uprising.

- Terrorists' demands are neither realistic nor based on the law; they are always the consequence (the result) of their political motives - separatism, or liberation of their members from the state prisons.

- Terrorists believe that it is easy to impose their will against an intimidated person and they build their strategy on the basis of such an assumption, continuously keeping the tension of the public, as no person is afraid of the past, but of the uncertainty that follows.

- Terrorism as a dangerous phenomenon is always one step ahead of the state security institutions, amongst other things due to the fact that the state officials think about this problem only during their working hours, while terrorists think of it 24 hours, which many examples from the past have indicated so far.

- Terrorists sometimes plan their actions for years in order to undertake them in few minutes.

- Terrorists have the advantage over the state security institutions. They prepare as long as they need to, and choose the target of the attack and the time of the attack by themselves. They usually attack with the aim to surprise and they usually attack so-called "soft targets".

- One of the most important and possibly the most crucial element on which the future of terrorism depends is the reaction of a society to terrorism. This concerns not only the reaction of the state institutions, but behavior of the public. The army and the police cannot eliminate terrorism. Unfortunately, it is impossible to do that nowadays, however only determination (and strong support) of the public can keep modern terrorism under control.

Therefore, considering the above-mentioned facts amongst other facts, a highly acceptable definition of terrorism proposed by the author of this paper is the following:

"Terrorism is an organized use of violence (or threat of violence) committed by politically motivated perpetrators, determined to impose their will on governmental institutions and citizens through fear, anxiety, defeatism and panics" (Gacinović 1998: 31).

Even though terrorism is formally condemned everywhere in the world, practice proves that terrorism is still an effective weapon for achieving political goals by certain nations. History reminds us that the UN Organization formally condemned the actions of many terrorist organizations in the world, but the great powers did not respect the international law all the time, as they were supporting and enhancing the actions of terrorist organizations in many regions at certain times. They unjustifiably treat certain terrorist organization as the liberating, by creating distorted public opinion in the world through the mass media. In this way, substantial support is given to the terrorist organizations, and a state which is the victim of violence is proclaimed as the creator of a terror. In such way, the state is deprived of its legal and legitimate rights to fight against terrorism in its own territory. This is the case with "OVK" and "ANA" in Kosovo and Metohija. If such tendency of double standards continues, the danger of modern terrorism will drastically increase worldwide, in particular in the Great Britain, Spain, France and Serbia.

Conclusion

It is necessary to fight against terrorist activities and other models of imperilment first of all through the systems of the state and of the society, by using their strengths, qualities, vitality and democracy as the basis; within a framework of the legal state and further supporting freedom and citizens' rights by strengthening these relations in all fields of social life.

The stronger and more stable democratic society becomes ethically, economically and organizationally, the more it feels responsible to secure its society and, as a consequence, a possibility of emerging terrorist activities will decrease. There is a strong need for high quality training of the state anti-terrorist units.

In the following period, the international security system will be facing great challenges on how to provide collective safety of the population and protect the citizens from this wide-spreading danger that is hard to be controlled. This can be achieved, amongst other things, through an adequate organization, high quality training and providing modern equipment to the anti-terrorist activity units; through continued following of achievements in the field of military, social and technical sciences; through analysis of former experiences

in anti-terrorist activities; by improving the system of measures for prevention of terrorist activities and continuous strengthening of internal authorities and capacity of the society for continuation of democratic processes. Along with these prerequisites, the basic prerequisite for success is a firm support of the public to confront modern terrorism. To put modern terrorism under control would be a great success for the United Nations Organization, as the elimination of terrorism in the world has only been a wish of the majority of the mankind so far.

A conclusion can be drawn that modern terrorist activities are getting more and more present in the world. They can be strongly controlled by a certain state, to which they serve for achieving its interest in a certain region with important economical and geo-strategic location, and this presents the greatest problem for the security in the world. The public opinion in the entire world should stand up against these dangerous acts.

Modern science makes great efforts to define modern terrorism. Despite the fact that terrorism represents a real threat for modern society, official politics of many powerful countries postpone defining modern terrorism in generally acceptable terms since double standards are the dominating factor. There are no good or bad terrorists, regardless of the fact that the unethical interpretation of this phenomenon by the great powers misleads the public opinion in recognizing modern terrorism. Majority of population world-wide never supports activities as long as they are called terrorist. Should they have a large-scale support, these activities are no longer considered as terrorism but guerilla or rebellion.

When defining terrorism we must be aware that the terrorists are unmistakably politically motivated, inclined to use violence, that their activities are directed towards far-reaching psychological consequences, reaching beyond a direct victim or target of an attack and that the terrorists are members of an organization. It is also important to be aware that terrorist demands are never realistic or legally based. Having said that, when defining terrorism, the importance of establishing the definition of terrorism that would serve the international cooperation in demystification of the term, i.e. according to which the consequence is a condition without which there would not be a consequence (Condicio sine qua non) should be taken into account.

According to the results of his academic work and research conducted so far, the author of this paper defines terrorism as follows: "Terrorism is an organized use of violence (or threat of violence) by politically motivated individuals or groups, determined to impose their will on governmental institutions and citizens through fear, anxiety, defeatism and panic."

Bibliography

Bouthoul, G. (1975) "Definitions of Terrorism", in: *International terrorism and World Security*. Carlton, D. and Schaerf, C. (eds), London: Groom Helm.

Reyet, A. and Rey-Debove, J. (ed) (1979) *Dictionnaire de la langue française,* Paris: Paul Robert.

Dimitrijević, I. (2005) "Problematika naučno-teorijskog definisanja terorizma". *Bezbednost* 47(6).

Dimitrijević, V. (1982) *Terorizam.* Beograd: Radnička stampa.

Dimitrijević, V. (1985) *Strahovlada.* Beograd: Rad.

Gaćinović, R. (2003) "Pojmovno određenje nasilja,uzroci,vrste i posledice". *Politička revija*, 2 (2): 257-280.

Gaćinović, R. (2005) *Terorizam.* Beograd: Draslar partner.

Gaćinović, R. (2006) *Antiterorizam*. Beograd: Draslar partner.

Gaćinović, R. (2007) "Odbrana od terorizma" *Politička revija*, 2-4: 571-594.

Gaćinović, R. (2010) "Terorizam u političkoj teoriji". *Srpska politička misao*, 2(2): 177-195.

Galijašević, Dž. (2007) *Era terorizma u BiH*. Beograd: Filip Višnjić

Hoffman, B. (2000) *Unutrašnji terorizam.* Beograd: Narodna knjiga.

Horowitz Leonard, G. (2001) *Death in the Air: Globalism, Terrorism, and Toxic Warfare.* Sandpoint: Tetrahedron.

Felici, L. (1989) *Il grande Dizionario Garzanti della lingua italiana*, Milano.

Palazzi, E. (1965) *Dizionario della lingua italiana,* Milano: Garzanti.

Jakovljević, D. (1997) *Terorizam s gledišta krivičnog prava.* Beograd: Službeni list SFRJ.

Karber, P. (1971) „Urban Terrorism: Baseline Data and Conceptual Network". *Social Science Quarterly* 52.

Laqueur, W. (1986) "Reflections on Terrorism". *Foreign Affairs*, 65(1): 86-100.

Lemkin, R. (1933) "Faut-il un nouveau droit des gens nommé terrorisme". *Revue de droit pénal et criminologie,* 13.

Marks, K. and Engels, F. (1979) *Delo*, vol. 40. Beograd: Prosveta.

Pluchinsky, D. A. and Yonah, A. (eds.) (1992) *European terrorism today & tomorrow.* Washington: Potomac Books.

Pontera, G. (1979) *Violenza e terrorismo, Il problema della definizione e della giustificazione: dimensioni del terrorismo politico.* Milano.

Wilkinson, P. (1974) *Political Terrorism.* New York: Halsted Press.

Flaxner, S. B. (ed.) (1971) *The Random House Dictionary of the English Language.* New York: Random House.

Schreuder, W. (1988) "International Legal Measures Against Terrorism". *Leiden Journal of International Law*, 1(1).

Simonsen, C. E. and Spidlove, J. R. (2000) *Terrorism Today: The Past, the Players, the Future.* Englewood Cliffs: Prentice Hall.

Sottile, A. (1938) *Le terrorisme international.* Recueil des cours, Vol. 65, Issue III, Paris, pp. 87-184.

Srdanović, R.B. (2002) *Međunarodni terorizam.* Beograd: Službeni list SRJ.

Taylor, M. and Horgan J. (2002) (ed.) *Terorizam i budućnost.* Zagreb: Golden Marketing.

Tomasevski, K. (1983) *Izazov terorizma.* Beograd: NIRO Mladost.

Vajt, Dz. (2004) *Terorizam.* Beograd: Alexandria Press

Wilkinson, R. (2002) *Terorizam protiv demokratije.* Zagreb: Golden marketing.

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The Scope and Objective of Treaty-Based Flexibility Arrangements in The Area of European Security and Defence Policy (ESDP)

Abstract

From the very beginning of its existence, the European Community has been facing the problem of harmonizing the process of integration and heterogeneity. The challenge has been to organize a growing diversity within the Union without jeopardizing the dynamics of integration. In the area of foreign, security and defence policy, this heterogeneity is particularly marked, whereas unanimity is the principal way of decision-making. It was therefore necessary to provide for such forms of flexibility which would not block the development of this policy. The development of the EU security and defence policy is a result of differentiation which has been the core of the framing of this policy from the very beginning. Therefore, within this policy, differentiation occupies a position which it does not have in any other Union policies. The purpose of this paper is to analyse Treaty provisions on flexible cooperation within the EU foreign, security and defense policy. Their aim is to enable states to implement cooperation within the institutional framework of the EU, and conversely, to enable those states which refuse participation not to become involved. These innovations imply certain risks, since flexibility creates additional institutional complexity and may create a rift between states which choose to advance and those not willing to do so.

Key words: flexible cooperation, flexibility, differentiated integration, enhanced cooperation, closer cooperation, permanent structured cooperation, CFSP, ESDP.

Introduction

How is it possible to achieve unity in diversity? How can heterogeneity be aligned with the process of integration? European Community has been facing these questions from its very beginnings. Although the European integration process implies uniform application of the Community law, differences between Member States have created a necessity to examine the possibilities for advancing at a "differentiated" pace, in order to resolve the problem of harmonizing the processes of enlargement and deepening of the European integration (Chaltiel 1998: 290).

Thus, successive enlargements resulted in a certain degree of "flexibility", primarily reflected in specific temporary derogations, with a consequence of differentiated application of the common body of rights and obligations. In the discourse on flexibility and differentiation in the process of integration, there is a real "confusion of terminology", since terms in current usage include e.g. "multi-speed Europe ", "enhanced solidarity", "enhanced cooperation," "progressive integration", "concentric circles", "multi-track Europe", "variable geometry", etc. (Stubb 1996: 283). All of these terms are used to denote a phenomenon within the Community and Union whereby "states or groups of states act according to rules which differ from general rules, or rules applicable to all states" (Manin 1996: 9). Therefore, the challenge is to organize a growing diversity within the Union, without thereby jeopardizing the dynamics of integration (De la Serre, 2002: 167). Hence the concept of flexibility duly respects diversity and presents ways of harmonizing it with the dynamics of the integration process. However, in early 1990's, there was a change in the essence of the differentiation process, which ceased to be a temporary solution and gradually became a concept which will enable the organization and codification of flexibility. Two events played a key role in this evolution: the creation of the economic and monetary union, on the one hand, and a perspective of post Cold War unification, on the other. Thus, the Treaty of Maastricht, with the creation of economic and monetary union, enabled the progress of some states, while some other states voluntarily opted out of this process, thereby being granted specific (permanent) derogations (Denmark, United Kingdom) (Ibid: 168). Therefore, flexibility is becoming a two-faceted process: on the one hand, the aim is to enable states to advance further in the process of integration and to implement cooperation in a specific area within the EU's institutional framework, and conversely, to enable the states refusing to participate not to be involved on the basis of specific derogations (opt-out) (Chopin, Lumet 2008: 1). However, flexibility implies certain risks. The first is an excessive fragmentation of the integration process, since differentiation creates additional institutional complexity, which is often subject to criticism. Another risk is the possibility of rift between the states which opt to advance, and those unwilling to do so.

In this article, we will focus on the forms of flexibility in the area of EU security and defense policy. We will note different terms used in this area, namely: "enhanced cooperation", "closer cooperation", "constructive abstention", "permanent structured cooperation", and these forms reflect the specific nature of this particular EU policy. However, regardless of variety of terminology, the concept aims to harmonize differences between states, including the principle of unanimity in decision-making, with the dynamics of the integration. The area of foreign, security and defense policy is specific, due to the particularly distinct heterogeneity of interests, ambitions and capacities and therefore, flexible forms of cooperation represent the most logical way to overcome the stalemate in the implementation of this policy.

This paper first presents an analysis of special procedures in the area of EU foreign and security policy, then proceeds to examine the forms of flexible cooperation in the

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area of security and defense policy and finally points to the importance of flexibility in this area. The conclusion reached is that the major progress are the provisions of the Treaty of Lisbon, which introduce different forms of flexibility into the area of EU security and defence policy. However, these innovations imply certain risks since flexibility creates additional institutional complexity and can create a rift between states committed to advancing and those not willing to do so.

Flexibility arrangements in CFSP

Common foreign, security and defence policy is based on intergovernmental cooperation, since this area is traditionally regarded as a prerogative of national sovereignty. Bearing in mind unanimity as a basic principle of decision-making in this area, the European Union has, since it first introduced foreign and security policy into its institutional framework, faced the possibility of the impasse of this policy. It was thus necessary to find appropriate alternatives which would not block further development of this policy, as it seemed highly unlikely that the qualified majority principle would be introduced in this area. If we look at the provisions of the Treaty of Maastricht, we will observe that the example of Denmark represents a form of flexibility, primarily aimed at overcoming the stalemate in the process of political decision-making. Namely, Denmark rejected the Treaty of Maastricht in a referendum, and consequently it was decided, on the basis of the so-called. "Edinburgh Compromise" from 1992, to annex Protocol no. 5 on the Position of Denmark to the Treaty of Maastricht, which foresees, inter alia, that Denmark "will not participate in the elaboration and implementation of decisions or actions of the Union which have defence implications" but will not thereby prevent the development of "closer cooperation between Member States" in the area of EU foreign and security policy. Therefore, this form of flexibility is based on the principle of non-participation (opt-out) and so it can also be termed the "destructuring" differentiated integration (Burgorgue-Larsen 2003: 123). In the domain of defence, the Treaty if Maastricht provided for different forms of cooperation arrangements, but outside of the EU treaty framework. Several clauses of the Treaty of Maastricht confirm this fact. First, the Treaty provides for the respect of specific character of national defence policies. The specific character refers to both neutral countries and to defence policies implemented in the scope of NATO. Second, flexibility was foreseen in the frame of Western European Union (WEU) itself - EU's military pillar. And finally, the possibility to develop "closer bilateral cooperation" between two or more member states in the frame of WEU or NATO is provided for in Article 17 (former Article J.7) of the Treaty on EU, but only to the extent that such cooperation does not preclude or run counter to cooperation on EU common foreign and security policy. This provision results from differences existing between member states' defence policies

and their military potentials. However, all the aforementioned treaty provisions foresee cooperation outside of the EU's institutional framework (Diedrichs, Joppa 2003: 18) and therefore run the risk of "defragmentation" of foreign and security policy. It was therefore necessary to introduce specific forms of cooperation in this area, which would take into account great differences between member states, while allowing for their cooperation within the institutional framework of the EU. However, this did not materialise until the adoption of the Treaty of Lisbon.

However, following a new wave of enlargement, it was necessary to approach the process of differentiation in a fresh manner, taking into account the growing heterogeneity and the future of an EU with twenty or more member states. Mindful of this fact, the Treaty of Amsterdam formally introduced the possibility of the so-called "enhanced cooperation" within the scope of the EU institutional framework. What does the concept of enhanced cooperation actually mean? Unlike mechanisms of differentiation introduced by the Treaty of Maastricht, which are "derogations", since they offer the possibility to individual member states (Denmark, United Kingdom) not to participate in some area, enhanced cooperation aims to allow states to advance faster and further than others, within the institutional system of the EU. Therefore, this cooperation has a "positive connotation", while various derogations have a "negative connotation" (Manin 1998: 137). Some authors also point to gradual abandoning of the concept of flexibility in favour of the concept of enhanced cooperation, as a result of attempt to use less "ideologically cumbersome terminology". Enhanced cooperation thus points to the practical side of this phenomenon, as opposed to flexibility, which is associated with subsidiarity or federalism (Stubb 2002: 43).

The Treaty of Amsterdam thus provided for the possibility of enhanced cooperation, introduced by Articles 43-45 of the Treaty on EU and by Article 11 of the Treaty on EC and covering the areas within the "first" and "third" EU pillar. Strict conditions governing this cooperation were defined. Thus, it could be introduced in the third EU pillar, provided that it aimed to achieve the objectives of the Union, to protect and advance its interests, that it was used only as a last resort, when the objectives of the Treaty could not be achieved by application of procedures foreseen, that it applied at least to the majority of member states, that it did not impact on the Community Acquis nor any competencies, rights, obligations and interests of member states not participating in cooperation (Art/43 (1), Treaty on EU). Within the first pillar of the Union, this cooperation could be introduced only in areas outside the exclusive competence of the EC, and provided that it had no impact on the Community policies, actions and programmes, that it did not refer to the Union citizens, that it remained within the competence of the Community and did not impose discrimination or trade restrictions between Member States (Art. 11 (1) of the EC Treaty).

However, this cooperation did not encompass the area of foreign and security policy. So, the will and determination of some member states to advance faster in

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the process of integration is not foreseen in the Union's second pillar. Why? It was pointed out that the second pillar of the Union is already sufficiently "flexible" and that introduction of enhanced cooperation would be counterproductive with regard to the continuity and coherence of the EU foreign and security policy, and would thus represent a potential source of confusion in relation to third countries. Thus this idea, advocated by some states (the Netherlands) during negotiations on the Treaty of Amsterdam, was entirely rejected eventually (Philippart, Edwards 1999: 99). A compromise solution was found, reflected in the introduction of provisions on the so-called constructive abstention, which was to replace the provisions on enhanced cooperation. This procedure was introduced by Article 23 of the Treaty on EU and provided for the possibility for a member state to abstain from voting, by delivering a formal declaration. In such case, the member state concerned is not bound to apply the decision, but is obliged to accept its binding character for other member-states and to refrain from any action likely to conflict with, or impede Union action based on that decision. The goal of constructive abstention is to prevent blocking of the decision-making by a single state.

Constructive abstention is not a novelty of the Treaty of Amsterdam. This form of flexibility is defined by Article 205 (3) of the Treaty establishing the European Community, which underlines that, during the voting in the Council "abstentions by members present in person or represented by proxy shall not prevent the adoption by the Council of acts which require unanimity." The difference between these two mechanisms is that in the first pillar, the decision also commits the state to abstain from voting, while in the second pillar that is not the case, and thus, there is a risk to infringe the principle of political solidarity laid down in Article 11 (2) of the Treaty on EU, stating that "the Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity" and shall" work together to enhance and develop their mutual political solidarity". Constructive abstention in external and security policy has some additional shortcomings. Specifically, this form of "case by case" flexibility is based on the principle of non-participation. It is primarily a system of "discrete multiplication" of the opt-out principle, rather than the specific form of enhanced cooperation (ibid.). Further, constructive abstention is possible only when vital state interests are not jeopardized, as set forth in Article 23 of the Treaty on EU. Constructive abstention was first exercised in practice in February 2008 by Cyprus, in relation to the adoption of the EU Council decision establishing the "EULEX Kosovo" mission. On that occasion, this state delivered an official declaration, recalling Article 23 (1) of the Treaty on EU (Cremona 2009: 15).

The Treaty of Nice amended provisions on enhanced cooperation, henceforth to be termed "closer cooperation" and introduced the possibility of such cooperation into the area of foreign and security policy. When it comes to this cooperation in other areas, a minimum of eight states was set for the initiation of such cooperation, while new articles - from 27A to 27D - were introduced in the area of common

foreign and security policy. Under Article 27A, closer cooperation on foreign and security policy shall be directed at: "safeguarding the values and serving the interests of the Union as a whole by asserting its identity as a coherent force on the international scene." Three conditions were to be fulfilled for its implementation. As it was emphasized in Article 27A (1), this cooperation must respect: the principles, objectives, general guidelines and consistency of the common foreign and security policy and decisions taken therein, competences of the European Community, and finally, consistency between all of the Union's policies and its external actions. The procedure for introducing closer cooperation is laid down in Article 27C, which emphasizes that Member States intending to advance their mutual cooperation shall address such request to the Council of Ministers. The request shall be forwarded also to the European Commission and the European Parliament for information. The Commission shall pass its opinion on compliance of proposed cooperation with the Union policy, while the Council is responsible for granting authorization for the initiation of this cooperation.

There are significant limitations, both functional and financial, when it comes to closer cooperation in the area of foreign and security policy (Blanquet 2001: 65). Functional constraint is reflected in the fact that this cooperation can be introduced only for the purpose of implementing joint actions or common positions, namely, in cases where there is already qualified majority and constructive abstention. Some authors explain this limitation by the need for coherence of external and security policy, so that closer cooperation in this area cannot be used to establish the guiding principles of this policy (Fines 2000: 367). This limitation points to a different logic of cooperation on foreign and security policy from the concept of enhanced/closer cooperation as such. It is primarily about the mandate accorded by the Union to a defined group of member states, which, in turn, enjoy a certain degree of autonomy. Regarding financial limitations, they also exist, since closer cooperation in this area does not apply to issues with military or defence implications (Art/27B).

Unlike treaties hitherto, the Treaty of Lisbon marks progress on flexibility on common foreign and security policy. The Treaty introduced significant changes pertaining to European Union's international activities. Firstly, the European Union would henceforth have legal personality, ending a debate on its "implicit" legal personality. Further, "pillars" upon which the Union had hitherto relied were abolished, which was expected to increase coherence between different policies in the EU's external affairs. However, all these changes in foreign policy are hardly revolutionary, since they do not disrupt the dominant principle of intergovernmental cooperation in this area (Delcourt 2004: 312). As regards closer cooperation, it was introduced by Article 20 of the Treaty on EU and by Articles 326-334 of the Treaty on the Functioning of the EU (TFEU). This cooperation is foreseen in areas outside the exclusive competences of the Union, and aims to achieve the goals of the Union, protect its interests and strengthen the processes of integration (Article 20 (1) TEU). The Council passes a decision to initiate such cooperation, on condition that it involves participation of a minimum of nine member states. This cooperation is

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"open to all Member States" at all times. With regard to foreign and security policy, an important development of the Treaty of Lisbon is that it revokes limitations of this cooperation for issues with military or defence implications. However, closer cooperation in this area is of specific character which is due to the specific status of external and security policy within the Treaty of Lisbon. Specifically, Chapter 5 of the Treaty on EU is titled "General Provisions on the Union's External Action and Specific Provisions on Common Foreign and Security Policy", which indicates the intention to place this policy within the single system of the EU external action, while maintaining its distinct character. The Treaty on the Functioning of the EU also points in that direction, by envisaging different categories of EU competences - exclusive EU competence (Article 3 TFEU), shared competence (Article 4 TFEU) and competence to support, coordinate and supplement the actions of the Member States (Article 6 TFEU) - without including EU foreign and security policy in any of these categories. Thus, Article 2 (4) of TFEU states that "The Union shall have competence, in accordance with the provisions of the Treaty on European Union, to define and implement a common foreign and security policy, including the progressive framing of a common defence policy." It seems that the specific, *sui generis*, character of this policy is not clearly defined in the new treaty (Cremona 2003: 1354), thus preventing full harmonization of instruments and procedures divided into "pillars" (Bono 2004: 560). Hence, closer cooperation in this area is specific by comparison to such cooperation in other areas. As an example, while approval for cooperation in other areas is granted by the Council by qualified majority, in the sphere of foreign and security policy unanimity is required (Article 329 (2) TEU). Furthermore, member states must submit an application containing precise information on the scope and objectives of proposed cooperation in other areas, while in the area of EU foreign and security policy a simple request is sufficient, with no additional conditions (Article 329 (1) and 329 (2) TEU). Finally, aside from the Commission, in the area of foreign and security policy, the High Representative for EU Foreign and Security Policy is also obliged to pass an opinion on compliance of closer cooperation with EU foreign and security policy (Article 329 (2) TEU).

Flexibility arrangements in ESDP

The development of the European security and defence policy (ESDP), as a component of common foreign and security policy, has remained at odds with the decision-making procedure in this area. In order to preserve political unity within the EU and control over the development of this policy, it was necessary to introduce new arrangements on flexible cooperation in this regard, in order to enable the "coalitions of the willing" to engage in civil and military operations under the auspices of the EU. There are three reasons underlying the introduction of flexible cooperation in the area of security and defence within the institutional framework of the EU. First, defence cooperation between member states was taking

place outside the institutional framework of the EU, and thus it was necessary for this cooperation to be carried out in some form within the EU. Further, there were substantial differences between Member States in military capability which could no longer be ignored. Finally, the area of security and defence policy was an area where all decisions are made unanimously. Guided by these realities, the Treaty of Lisbon provides for three forms of flexible cooperation in the area of European security and defence policy.

The first form of flexible cooperation relates to provisions on the so-called "permanent structured cooperation". Specifically, a group of member states wishing to advance on defence and mutually engage in joint initiatives are enabled to cooperate in the frame of the Union. This form of cooperation aimed to institutionalise the hitherto practice between some Member States, in order for this cooperation to be implemented within the framework of the Union, with support from other member states. Thus, Article 42 (6) of the Treaty of Lisbon provides that "those Member States whose military capabilities meet higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework".

The process of establishing permanent cooperation is governed by Article 46 of the Treaty on EU and involves several stages. First, states wishing to establish permanent cooperation should notify the Council and High Representative for EU Foreign and Security Policy thereof. Secondly, within a period of three months from such notification, the Council shall adopt a decision, by qualified majority and upon consultation with the High Representative, on the establishment of that cooperation and shall determine the list of states participating in cooperation. Thirdly, the procedure for possible extension of permanent cooperation to other Member States is clearly defined. Namely, any state wishing to join this cooperation informs the Council and Minister of Foreign Affairs accordingly. Upon notification, the Council shall decide by qualified majority and following consultation with the Minister of Foreign Affairs on the participation of new members in structured cooperation. Only states participating of this cooperation are entitled to vote in that case. The possibility of excluding states which fail to meet the eligibility criteria for permanent structured cooperation is also foreseen. In that case, the Council shall decide on the basis of qualified majority principle. It is interesting that all decisions and recommendations related to structured cooperation, apart from the above-mentioned ones referring to the procedure for membership, are passed unanimously, as confirmed by Article 46 (6) of the Treaty on EU.

Criteria and requirements with respect to military capabilities of state parties in structured co-operation were adopted by the so-called Protocol on Permanent Cooperation established by Article 42 of the Treaty on EU. Pursuant to Article 1 of this Protocol, member states undertake to proceed more intensively to develop their defence capacities through the development of their national contributions and participation, where appropriate, in multinational forces, in the main European

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equipment programmes, and in the activity of the European Defence Agency. Also, states undertake to supply by 2010 at the latest, either as national contingent or as component of multinational military forces, combat units for future missions, structured as tactical battle groups, with support infrastructure, including transportation and logistics, capable of carrying out, within five to 30 days, Petersberg missions, and, in particular, tasks in response to requests from the United Nations, for a period of 30 days, with a possibility of extension up to 120 days.

In order to fulfil these criteria, state parties of this cooperation, under Article 2 of the Protocol, undertake to cooperate, as from the entry into force of the Treaty of Lisbon, with a view to achieving agreed objectives concerning the level of defence expenditure. States should also align, to the extent possible, their defence assets, especially in the area of harmonizing identified military needs, and in pooling and specialising their means and defence capabilities and promote cooperation in the field of training and logistics. Further, state parties undertake to take concrete measures to strengthen the availability, interoperability, flexibility and deployability of their forces, in particular after identifying common objectives regarding the commitment of forces, including possibly reviewing their national decision-making procedures. Fourth, states also undertake to cooperate with a view to taking the necessary measures to address the shortfalls perceived in the framework of the "Capability Development Mechanism". Fifth, states should participate in the development of joint or European military equipment programmes in the framework of the European Defence Agency. The stated criteria and requirements set for participation in structured cooperation must be observed and, in the event of a participating state failing to meet its obligations, the possibility of its suspension from cooperation is foreseen, as the Council may by qualified majority pass a decision to suspend a participating state. Finally, Article 3 of the Protocol entrusts the European Defence Agency (EDA) with a role of "guardian" of this cooperation, since it should "contribute to the regular assessment of participating Member States' contributions" and report thereon at least once a year".

On the basis of these Treaty provisions, three basic features of this form of cooperation transpire. First, structured cooperation is permanent, second its establishment requires qualified majority, and, finally, a minimum number of states involved in this cooperation is not defined (Santopinto 2009: 5). These three features demonstrate advantage over closer cooperation, which requires unanimous decision and a minimum of nine participating states for its establishment. Some authors indicate that, at first glance, this distinction of structured cooperation may convey the impression that it aims to introduce a mechanism that would encourage states to increase their military expenditures (Howorth 2004: 486)[1], but in reality, total confusion over this term prevails (Santopinto 2009: 1).

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1 Howorth considers that the aim of introducing provisions on permanent structured cooperation is to encourage member states that wish to progress in the field of defence but also to ontribute to the development of European security and defense policy. This refers primarily to France and Germany, which, during negotiations on the adoption of the Treaty proposed to create a "euro-zone" in the field of security and defence.

Some ambiguities regarding this form of cooperation are observed. For example, it is not specified how the "high criteria" of participating states will be determined. For example, France proposed a minimum of six states-parties in structured cooperation (France, United Kingdom, Germany, Italy, Spain and Poland), which will be bound to spend 2% of their gross domestic product on defence, but the proposal was dismissed for its excessively "exclusive" connotation (Cremona 2009: 13-14).

Another form of flexible cooperation introduced by the Treaty of Lisbon refers to the possibility for the Council to entrust, within the EU, implementation of a Union task to a group of member states in order "to protect the Union's values and serve its interests" (Art. 42 (5) TEU). The provision applies to those Member States that are willing to participate in such a task and have the necessary capability for its implementation. As set out in Article 44 of the Treaty on EU, interested member states, in association with EU High Representative for Foreign Affairs and Security Policy, shall agree among themselves on the management of the task. Member states participating in the task, either at their own initiative or at the initiative of another member state not participating in the task, shall keep the EU Council informed on the implementation of the task. In the event that the accomplishment of the task requires amendment of its objectives or entails new and far-reaching consequences, participating member states must immediately convene the Council, which takes the necessary decisions (Article 44 (2)).

This form of flexible cooperation among member states in the area of EU security and defence policy is specific, as it refers only to the implementation of a military mission in the scope of crisis management. Therefore, we can state that it is a form of enhanced cooperation of "executive" type (Triantajyllou 2005: 110), whose objective is to enable task implementation when all member states are not equally willing to engage in the operation, or if the mission is very demanding and requires the deployment of military capabilities available only to some member states. Through the provision on this type of cooperation, the Treaty of Lisbon furnished the legal basis for operations previously carried out at a national level or outside the EU framework to be part of the EU common security and defense policy in the future. While in the case of permanent structured cooperation missions undertaken by participating states are not operations of the Union, the same states can participate in implementing a mission following the decision by the Council. Also, unlike structured cooperation which is permanent, this form of flexibility in cooperation is not constant, since member states make available to the Union their civilian and/or military capabilities or multinational forces in order to contribute to objectives set by the Union. The only criteria for participation in this form of enhanced cooperation are the will and necessary capabilities of member states. However, some questions still remain open. For example, the Treaty does not make reference to the procedure for possible involvement of states during the course of a mission. Furthermore, there are no requirements whatsoever regarding the number of states which can participate in the implementation of the EU military mission.

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The third form of flexible cooperation introduced by the Treaty of Lisbon in the area of EU security and defence policy refers to the European Defence Agency. Under Article 45 of the Treaty on EU, principal tasks of the European Defense Agency are: to contribute to indentifying the Member States' military capability objectives and evaluating observance of their capacity to perform designated tasks, to promote harmonization of operational needs and adoption of effective, compatible procurement procedures; to propose multilateral projects to fulfil the objectives set forth in accordance with military capabilities, ensure coordination of programmes implemented by the Member States and management of specific cooperation programmes; to support defence technology research and coordinate and plan joint research activities and studies on technical solutions meeting future operational needs; to contribute to the identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the cost-effectiveness of defence expenditures. The same Article states that the Agency "is open to all Member States wishing to be part of it". In practice, all member states with the exception of Denmark participate in the work of the Agency. The possibility is also foreseen for setting up, within the Agency, "specific groups bringing together Member States engaged in joint projects" (Article 45 (2) TEU), which for some authors represents a specific approach to "flexibility within flexibility" (Diedrichs, Jopp 2003: 26).

Conclusion

Provisions on flexible cooperation in EU security and defence policy arouse some dilemmas. Is a certain degree of flexibility in this area desirable? Is this cooperation possible and in what form? Will this cooperation adversely affect political legitimacy of the European Union? We can cite at least two arguments in favour of introducing this cooperation. First, the provisions on this cooperation should enable to overcome the stalemate over unanimity as a basic decision-making principle and prevent the creation of various informal groups, outside the EU institutional framework. Therefore, flexible forms of cooperation are the most logical way to overcome the impasse in the development of this policy. For it would be paradoxical for an obstacle at the level of political decision-making to exist at a time when the Union is in the process of deciding on the creation of an autonomous decision-making and implementation capacity for military and civilian operations. In addition, the EU security policy would be intensified and further advanced through these forms of flexible cooperation, since, according to some authors, flexibility is envisaged in its "softer" version, aiming to involve as many states as possible, in order to avoid the creation of groups of "second-rate" or "third-rate" states (Diedrichs 2004: 4). This is the case with the European Defence Agency, which is open to all states, but (at first glance) also with permanent structured cooperation. But is that really quite so? There is no doubt that only a few member states have at their disposal the military capabilities needed to participate in flexible forms of security cooperation,

while a large majority of states will remain outside the scope of that cooperation, in particular of permanent structured cooperation, which foresees some specific eligibility criteria. It seems, however, that there is no alternative to these "coalition of willing" within the Union.

Also, the issue of relation between flexibility and effectiveness of this policy arises. On the one hand, flexibility strengthens efficiency, which, in turn, enhances the credibility of foreign, security and defence policy. But on the other, flexibility can be viewed as a factor of reducing cohesion and solidarity among member states, which can have negative impacts on the European Union's external action, since some state will take little or no participation in operations conducted in the scope of flexible cooperation. Thus, flexible cooperation may be regarded as an attempt to undermine aspirations towards the framing of a common defence policy foreseen by treaty provisions.

The former "second" pillar of the Union is so regulated that, except for the provisions on closer cooperation, which are specific and applicable in the area of defence, there are also three distinct forms of flexible cooperation in the field of security and defence policy. In addition to structured cooperation, which represents the most ambitious form of flexibility in the defence domain, there is also cooperation among member states for the purpose of implementing a Union's mission, which is the codification of existing practice (operations in Macedonia, Congo). It seems that this form of cooperation will often be used in future EU crisis-management missions and it is therefore affirmative that this practice has been institutionalized. The third form of flexibility refers to the European Defence Agency, which is open to all states. All member states participate in the work of the Agency, but it is envisaged that separate, smaller groups of states are created within its framework to collaborate on special projects. Hence this form of cooperation is specific, since it includes a dual flexibility within the Agency. It seems that such a solution was necessary, given the great heterogeneity among states with regard to equipment.

However, future development of flexible cooperation on EU's security policy causes some dilemmas, having in mind the ambiguities associated with permanent structured cooperation. It seems that this cooperation pursues the same objective as the EU security policy itself, as well as the European Defence Agency. Why was it then necessary to include this form of cooperation in treaty provisions? This question becomes even more logical if one bears in mind that the Treaty of Lisbon approves the introduction of closer cooperation procedures also in the military domain. What is the purpose, then, of additional introduction of permanent structured cooperation, alongside the possibility of applying the provisions on enhanced cooperation? What is the "added" value of structured cooperation? Initially, permanent structured cooperation was conceived as a means for introducing a "two-speed Europe", lead by states with significant military capabilities. This cooperation would enable participating states to "bypass" the area of political decision-making, as leaders (avant-garde) of future missions, and therefore would not depend on prior agreement

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by all states in the process of decision-making. So, the initial idea was that this cooperation should be an effective mechanism for crisis management missions, but according to treaty provisions, it currently seems to be an initiative focused solely on capacity-building, as there is a special form of cooperation yielding the possibility for the Union to delegate the implementation of a mission to a group of states. However, the development and strengthening of military capabilities through operability and complementarity is on one of the objectives to be implemented by the European Defence Agency, too. Further, if structured cooperation is actually meant to include as many states as possible, why wasn't a minimum number of states needed to achieve this cooperation set? This fact suggests the possibility of institutionalisation of "directorates" or "triumvirates" made up of powerful states, which may lead to at least two negative consequences: undermine European solidarity and raise doubts about the autonomy of security and defence policy, since "small" states, fearing hegemony of the "big" ones prefer American "tutelage" in this area to a European directorate of any form. Still, the importance of introducing flexibility in this area cannot be denied, bearing in mind the specifically distinct heterogeneity of status, interests, ambitions and capacities of Member States and unanimity as a method of decision-making.

Therefore, we can emphasize that the differentiation in the area of security and defence policy has a positive (constructive) and negative (destructive) side (Burgorgue-Larsen 2003: 122). On the one hand, the institutionalization of flexibility represents a triumph of "reality", because it respects the heterogeneity of interests, ambitions and capacities of member states. The development of the EU security and defence policy is itself a result of differentiation, as the basis for the framing of this policy from the very outset. It is a specific area, which can be developed only through specific forms of flexible cooperation. Hence, differentiation in this policy occupies a position it does not have in any other EU policies. This pragmatism is, however, also one of the motors of European integration and of the security and defence policy development. On the other hand, differentiation in this policy creates additional institutional complexity, and increases the possibility of a rift between the states which choose to advance further, and those not willing (or not able) to do so.

Bibliography

Balmond, L. (2004) 'L'Union européenne, une organisation de défense?' in: Archour B., Laghmani S. (eds.) *Le droit international à la croisée des chemins. Force du droit et droit de la force*. Paris: Pedone, pp. 291-314.

Biscop, S. (2008) 'Permanent Structured Cooperation and the Future of ESDP: Transformation and Integration'. Paper presented at the 3rd Seminar in the EUISS-coodinated series on the European Security Strategy: "Strengthening ESDP: The EU's Approach to International Security", Helsinki, 18-19 September 2008.

Blanck, K. (2004) 'Flexible integration in the Common Foreign and Security Policy'. *Europainstitut Working Paper*, n° 61.

Blanquet, M. (2001) 'Commentaire de l'article 27A', in: Rideau J. (ed.) *Union européenne- Commentaire des traités modifiés par le traité de Nice du 26 février 2001*. Paris: LGDJ, pp. 63-67.

Bono, G. (2004) 'La PESC et la PESCD dans la Constitution européenne. Evaluation sur la base du projet de la Convention'. *Annuaire français de relations internationales*, 5: 556-563.

Burgorgue-Larsen, L. (2003), 'Le droit communautaire dans tous ses états ou les désordres du *in* et du *out*', in: *Mélanges en hommage à Guy Isaac. 50 ans du droit communautaire*. Toulouse: Presses de l'Université des Sciences sociales, pp. 121-136.

Chaltiel, F. (1998), 'Le traité d'Amsterdam et la coopération renforcée'. *Revue du Marché commun et de l'Union européenne*, 418: 288-293.

Chopin, T., Jamet, J-F. (2008) 'La différenciation peut-elle contribuer à l'approfondissement de l'intégration communautaire?', *Questions d'Europe*, 106-107, [online]. Available at: http://www.robert-scuman.eu/doc/questions_europe/qe-106_et107-fr.pdf [Accessed 21 July 2010].

Cremona, M. (2009), 'Enhanced Cooperation and the Common Foreign and Security and Defence Policies of the EU'. *EUI Working Paper LAW*, 2009/21.

Cremona, M. (2003), 'The Draft Constitutional Treaty : External Relations and External Action'. *Common Market Law Review*, 40(6): 1347-1366.

De la Serre, F. (2002) 'La coopération renforcée', in : Magnette, P. (ed.) *La Constitution de l'Europe*. Bruxelles: Editions de l'Université libre de Bruxelles, pp. 167-178.

De la Serre, F. (2001) 'La PESC et coopération renforcée'. *International Law FORUM du droit international*, 3(4): 243-246.

De La Serre, F., Wallace, H. (1997) *Les coopérations renforcées: une fausse bonne idée ?*. Paris: Fondation Notre Europe.

Delcourt, B. (2004) 'Entre réalisme et modestie : les nouveaux atours de la PESC' in: Magnette, P. (ed.), *La Grande Europe*. Bruxelles: Université Libre de Bruxelles, pp. 303-319.

Diedrichs, U. (2004) 'Flexibility and ESDP : From the Convention to the IGC and Beyond'. *CFSP Forum*, 2 (2): 1-6.

Diedrichs, U., Jopp, M. (2003) 'Flexible Modes of Governance: Making CFSP and ESDP Work'. *International Spectator*, 38(3): 15-30.

Dumoulin, A. (2000) 'La gestion de crises infra-institutionnelles. La montée en puissance des directoires et des coopérations croisées'. *La revue internationale et stratégique*, 37: 21-30.

Fines, F. (2000) 'La réforme des coopérations renforcées'. *Revue des affaires européennes*, 4: 359-373.

Howorth, J. (2004) 'The European Draft Constitutional Trentin and the Future of the European Defence Initiative: A Question of Flexibility'. *European Foreign Affairs Review*, 9(4): 483-508.

Jaeger, T. (2002) 'Enhanced Cooperation in the Treaty of Nice and Flexibility in the Common Foreign and Security Policy'. *European Foreign Affairs Review*, 7(3): 297-316.

Latour, X. (2000) 'La coopération renforcée et la Politique européenne de sécurité et de défense', in : Hervouët, F. (ed.), *Démarche communautaire et construction européenne. Dynamique des méthodes* (vol. 2). Paris: La Documentation française, pp. 365-380.

Manin, P. 'La 'coopération renforcée'', in *Le traité d'Amsterdam: réalités et perspectives*. Actes du colloque (Universités Paris I, Paris II et Bordeaux IV), Paris, 27-28 février 1998. Paris: Pedone, pp. 135-155.

Manin, P. (1996) 'Les aspects juridiques de l'intégration différenciée', in: Manin, P., Louis, J-V. (eds.), *Vers une Europe différenciée? Possibilité et limites*. Paris: Pedone, pp. 9-32.

Philippart E. Edwards G. (1999) 'The Provisions on Closer Co-operation in the Treaty of Amsterdam: The Politics of Flexibility in the European Union'. *Journal of Common Market Studies*, 37(1): 87-108.

Santopinto, F. (2009) 'Le traité de Lisbonne et la défense européenne: Bataille diplomatique sur fond de Coopération structurée permanente', *Note d'Analyse du GRIP*, [online]. Available

Dejana M. Vukčević
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at: http://www.grip.org/fr/siteweb/images/NOTES_ANALYSE/2009/NA_2009-11-04_
FR_F-SANTOPINTO.pdf. [Accessed 24 July 2010].

Stubb, A. (2002) *Negotiating Flexibility in the European Union: Amsterdam, Nice and beyond.*
New York: Palgrave Macmillan.

Stubb, A. (1996) 'A Categorization of Differentiated Integration'. *Journal of Common Market
Studies*, 34(2): 283-295.

Törö, C. (2005) 'The Latest Example of Enhanced Cooperation in the Constitutional Treaty:
The Benefits of Flexibility and Differentiation in European Security and Defence Policy
Decisions and their Implementation'. *European Law Journal*, 11(5): 641-656.

Vukčević, D. (2008) *Bezbednost i Evropska unija. Bezbednosna politika Evropske unije -
institucionalne osnove.* Beograd: Institut za političke studije.

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