



SERBIAN POLITICAL THOUGHT

О А С И М
ПОЛИТИЧКА
СРПСКА



Institute for Political Studies

Béla Révész
Anastasia V. Mitrofanova
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Editorial

Serbian Political Thought continues its general editorial concept of not “limiting” journal issues to certain thematic framework for two reasons mostly. Firstly, the editorial board is of the opinion that the major thematic journal profiling would reduce the number of interested authors significantly, and this would most likely relate to the international scientific community. Secondly, there is the possibility of a certain disproportion between the most pressing problem issues and those marked of regional, or national importance (regardless of favoring the first or the other) - which would further reduce the potential number of authors. The strategy of a thematically open journal, thus, opens the possibility to achieve an appropriate balance between domestic and foreign authors, theoretical and empirical research, and general and locally positioned scientific studies. This does not mean that in the coming period there will not be any special issues of Serbian political thought, of which the authors will be notified in time.

In accordance with the above, Bela Revesz in his article analyzes the complex issue of emigration of Romanians to Hungary in the period from 1987 to 1989, citing reasons of these migrations such as urbanization and the Ceausescu dictatorship, and pointing out many aspects of the problem that triggered many of the issues, especially the status of refugees to which the author has devoted much attention. The authoress Anastasia V. Mitrofanova deals with the intriguing question of the relationship between terrorism and religion in her work, emphasizing that religion indeed lies in the background of terrorist acts, and is not just an excuse for exercising particular interests and goals. Aleksandar Novaković seeks to challenge Viktor J. Vanberg's assertion of the complementary relationship between liberalism and democracy in his paper, calling it the attempt to reconcile the irreconcilable, and specifying theoretical and historical arguments against this approach. Miodrag Radojević examines the constitutional reforms in Serbia in the EU integration process in his paper, critically reviewing the impact of the European Union and the Council of Europe to the course of these reforms, and providing assessments of the further course of their implementation, whereas Zoran Slavujević presents the results of the empirical research on the attitudes of the citizens of Serbia to democracy in his article. The research has shown that the majority of citizens are critical towards the democracy, especially towards the political system and the functioning of the institutions in Serbia, and that most citizens believe that the international political and economic relations are of crucial importance for the development of democracy.

The editorial board also uses the opportunity to wish a happy Christmas and New Year to all of its current and potential collaborators.

Editorial Board



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Tensions Without Solutions: Romanian-Hungarian Relations, 1987-89

Abstract

Up to the middle of the 1980, Hungary gave refugees to the world; but from 1987, the country itself has also been admitting refugees. Between 1988 and 1995, more than 130,000 refugees were registered in the country. The number of those who arrived in Hungary and looked for the support of private persons, not registering themselves at the authorities can be much more. Among the reasons arising in the Hungarian-Romanian relationship, the first place was occupied by violent urbanization, the organized destruction of villages in Romania that began in 1987. Furthermore, the practice of Ceausescu's dictatorship violating human rights also played a serious role, paired with the discrimination against Hungarian, German and Jewish minorities. The increasing number of social and economic problems is also one of the important factors of migration motives. The immigration of Romanian citizens demanded measures of border control, administrative control, state security and public safety from the part of the Hungarian law enforcement bodies, while the negotiations between the "allied parties" was also needed as much as diplomatic and international political solutions. During the examination of the complex problems of the migration process, the present research intends to turn the attention towards three characteristic motions, based on the contemporary documents: the secret service and political means of the realization of the Romanian urbanization program, the "events" occurring along Hungarian-Romanian borders, and the differences between the techniques of treating refugee affairs.

Key words: border control operations, collapse of communism, ethnic problems, Helsinki Final Agreement, illegal border crossings, mass migration, refugee affairs, Romanian-Hungarian tensions, state security services, system change in communist Europe, territorial demands, Warsaw Treaty Organization.

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At issue is the identification and analysis of the “refugee problem” in the context of Romanian-Hungarian relations of 1987-89. The task is daunting due to the complex web of events and communication flows – bilateral, multilateral and, in some respects, global – that had a direct or indirect bearing on the matter at hand. From 1987 on, the waves of refugees arriving from Romania tended to obscure other dimensions of conflict between the two states and the two ruling Communist parties. As it happened, not only ethnic Hungarians, but citizens of other countries, some from the Communist bloc, and some from the Third World, increasingly targeted Hungary as a destination country. The arrival of such migrants gave an advantage to the Hungarian leadership by endowing the regime with the image of being the positive alternative of a “reforming socialist” country to the West.

The following discussion seeks to examine the factors that motivated, and, in turn, influenced, the mass migration of Romanian citizens, (predominantly ethnic Hungarians from Transylvania) in the late 1980’s. The case is summed up in unambiguous terms by a Hungarian governmental interagency position paper. “In the past few years, mainly due to the discriminating measures against citizens of Hungarian nationality, the lower living standards, the number of legal and illegal migrants, the majority of whom are ethnic Hungarians arriving in Hungary is increasing, and they have no intention of returning to the Socialist Republic of Romania”.²

Prior to the mid-1980s, it was Hungary which gave refugees to the world; but from 1987 on, the country became a destination for refugees from near and far. Between 1988 and 1995, more than 130,000 refugees were registered in the country. The number of those who arrived in Hungary receiving support from private persons, mainly relatives, without registering with the authorities, may be substantially higher. The main reason for this exodus was the Romanian regime’s policies so-called regional and settlement reorganization - in Romanian official language – “systematization,” in colloquial Hungarian “village destruction,” that began in 1987. Furthermore, the Ceaușescu’s dictatorship’s violation of human rights also played a significant role, and was part and parcel of additional discriminatory measures against Hungarian, German and Jewish minorities. Social and economic problems were

2 The Inter-ministerial State Committee dealing with the affairs of foreign citizens residing in Hungary informs the county and town committee secretaries about their tasks connected to the solution of the situation of foreign, mainly Romanian citizens of Hungarian nationality residing in Hungary and not intending to return home. 14th April 1988. NAH HSWP CC PAD M-KS 288. f. 31/21. (hereafter: NAH: National Archives of Hungary HSWP: Hungarian Socialist Workers’ Party; CC: Central Committee; PAD: Public Administrative Department)

also important migration factors. The immigration of Romanian citizens necessitated enhanced measures of border control, and related administrative procedures. Much of this posed new challenges to Hungarian agencies of state security and public safety. The issue also called for an intensification of negotiations between and among the “fraternal socialist parties” of the Soviet bloc. The object of the exercise was the moving of this unprecedented phenomenon toward established and hitherto workable socialist interstate diplomatic and political consultative channels. With the principal focus on the complex problem of migration, and the utilization of contemporary documentary evidence, the following discussion seeks to address three related issues. These are the instruments of the Romanian policy, particularly the use of state’s internal security organs for the implementation of the regime’s policies of “systematization”, the story and subsequent resolution of “incidents” along the Hungarian-Romanian border, and the differences in the two regimes’ management of the evolving refugee crisis of 1987-1989.

Political and Security Background

Large migrations are first and foremost examined by national security researchers as a challenge to security, one of the factors that may endanger public safety (Deák 2007: 17). The free movement of people between countries has been a natural phenomenon since the fall of the “iron curtain,” and migration affects security. Mass migration may also burden the social and economic capacity and infrastructure of a given country. In addition, it may foster the underground economy, money laundering and organised crime, or it may open channels to radicalism, extremism and political violence. However, beyond these security considerations, it is also worth examining the political and economic dimensions of migration.

In Hungary, just as in Soviet-dominated Eastern Europe, after 1947-48 the issue of legal and illegal migration was fundamentally considered a state security concern. In an era attentive to class struggle, the ideological argument was quite simple: those inclined to leave the people’s democracy could be only (political) criminals, but most people arriving were considered likely spies.³ It was also characteristic that the Hungarian Bureau of Immigrant and Emigrants’ Protection,⁴ originally created in 1921, continued dealing with the affairs of immi-

3 Our democratic police is five years old. Hungarian Policeman. 15th January 1950, p. 4 .

4 44.700/1921. Directive of the Ministry of the Interior.

grants after 1945. However the Bureau ceased operations on June 15 1948⁵, although formally minor issues were dealt with by the World Association of Hungarians.⁶ It is not accidental, that based on the resolution number 4353/1949/268./M.T. of the Council of Ministers of the People's Republic of Hungary, the Border Police were transferred from the Ministry of Defense to the jurisdiction of the State Security Agency – the notorious political police, better known by its Hungarian acronym, the ÁVH.⁷ Furthermore, the command structure of the Border Guards was merged, as one department, under the aegis of the AVH.⁸ In this period, a system of total border control was established along the southern (Yugoslav) and western (Austrian) border areas.⁹ With reference to restrictions on travel abroad, no data was found on any permits issued to emigrate from Hungary between 1949 and 1953.¹⁰ According to official political doctrine in a people's democracy there were no legitimate reasons for emigration (See Szántó 1984); therefore, emigration was not, and could not have been, a concern. As for foreign individuals coming to Hungary, state security had to be particularly vigilant against those few who were deemed to be “war-mongering, counter-revolution-plotting imperialists”. Those who tried to cross the border illegally, “defying the scrutiny of border security” (Kádár 1953: 87), were in serious danger. Following the patterns of the Soviet penal code, nearly to the letter, other Eastern-European countries also regulated border-related transgressions.¹¹

5 463.231/1948. Directive of the Ministry of the Interior.

6 Jenes. M.: The Bureau Defending Hungarian Emigrants and Re-migrants. 1945-1948. NAH XIX-B-7.

7 255.100/Presidential Department (hereafter: Pres.) Directive of the Leader of State Security Agency (hereafter: SSA) in 30th December 1949. Central Archives of the Ministry of the Interior (hereafter: CAMI). Collection of Directives (hereafter CD) 1949. box 12 (hereafter b.)

8 Boreczky, Beatrix: The organisation of the SSA, 1950-1953. Safe. 1. Historical Office, Bp., 1999, p. 99.

9 In 1950, then in 1952, along the western borderlines a 15 km-long borderline area, and within it, 500 and 50 m-wide borderlines were established where one could enter only with the permission of the police or the border guard service. Only border guards could enter 50-m borderlines. Along the western borderlines, a square system of barbed wire was established. In the South and in the West, a 318 km-long minefield was built. The minefield was removed along the southern borderlines in 1956, but it was resettled in the West in 1957. The minefields were ceased in 1965 in the southern, and in 1969 in the western borderline area. The removal of the minefields was finished in 1971 (See also: Csapodi 2002 and Okvát 1988).

10 In 1953, 153 persons were permitted to emigrate. (Tóth 2001: 35)

11 See Penal Code: Official Text. Edited by the Panel of the Ministry of Justice and Public Prosecutor's Office of the Socialist Republic of Romania. Scholarly Publishing House, Bucharest, 1956. section 320-322.

Keeping with the demands of in-depth prevention, the operational field of the border guard service was a 15-km-wide swath from the border. Within that area, the border guards always to be in service to detect illegal border crossings, with instructions to arrest illegal border crossers and hand them over to the police.¹² The operational tasks were performed by reconnaissance units. Their assignment was to detect individuals who may endanger border security. This was to be done by covert and open means such as social interaction and cooperation with the civilian population. Usually, border control regulations were carried out without taking into account the particular political character of the neighbouring countries. The border control network, however, distinguished between the “Western relationship” and the “southern and fraternal border relationship.” In the latter case, the border guard agency dealt mainly with illegal border crossers coming in and related to tourism, and those who wanted to leave the country illegally. The agency also performed cross-border assignments and exploratory missions – mainly in the western areas. For more effective cooperation the border guard units and the regional state security operatives prepared an annual joint plan of action.¹³

The establishment of the system of total border control (and the penal regulations for it) certainly did not completely prevent, though significantly hindered those who wanted to cross the borders illegally. For political reasons, after 1949 many Greek, and after 1973, many Chilean sought refuge in Hungary. However, apart from these western leftist self-exiles, it has been Hungary that gave refugees to the world for more than fifty years. As for legal and illegal migration, there are no exact data after 1945.¹⁴ Based on various sources, we can estimate that approximately 100,000 people migrated from Hungary in the period between 1945 and 1956, (mainly between 1944 and 1945) but the number of people legally emigrating did not reach 15,000. After the wave of migration of about 170,000 in 1956-57, the number of legal emigrants was about 1500-2400, while the number of illegal migrants fluctuated between 300 and 500 before the 1960s.¹⁵ From the 1960's to the 1980's

12 Border Control Regulations. Ministry of the Interior. Order number 7. 20th February 1958. CAMI CD 1958.

13 The assignments of the exploratory bodies of the Border Guards of the Ministry of the Interior. Order number 014. CAMI CD 1969. no. 10-21/14/69.

14 It is only a partial explanation that the documents of the SSA from between 1951-1953 do not reach two metres documents in the Historical Archives of the State Security Agency (See: Baráth 2008: 131)..

15 People who committed the crime of „escaping abroad” were not accused of a crime against the state, but for a political crime, based on the Penal Code passed in 1961. These people did not commit crimes included in chapter 9 of the Penal Code, but committed

more people left the country than those who migrated to Hungary, 1000 to 2000 people immigrated (Harcza 1997: 221). Illegal migration was very low until the 1980's. Between 1960 and 1987, the number of illegal border crossings did not reach 500 in any year,¹⁶ but the number of illegal border crossers coming from Romania did not reach 10,000 persons per year until 1987.¹⁷

Since the mid-1980s, the situation changed. While the number of emigrants quickly decreased, the number of foreign citizens entering Hungary legally or illegally (mainly from Romania, but not exclusively ethnic Hungarians) and intending to settle down increased quickly. The years of 1987-88 witnessed a sharp reversal of migration patterns since the end of World War II. In 1987, compared to the number of immigrants, the numbers of legal (1,476) and illegal (4,923) emigrants showed a population decrease of 4,000. In 1988, however, the population showed a net increase of 8,000 people (12,788 immigrants vs. 4,864 emigrants). From this period, the difference in migration did not show negative ratios in any period. (Tóth 1997: 65) It is a noteworthy circumstance that the number of illegal border crossings in the "eastern border" area already approached 7,000 (6,854), and, except one, all the border violators were detained.¹⁸

Special attention gained by the migration phenomenon popularly known as "Romanian refugees" could be explained by the complexity of the issue. Disputes between two communist states belonging to the same alliance system became increasingly tense and became acrimonious when the two leaderships' policy postures escalated beyond previously shared positions regarding ideology, inter-party and international relations.

In the 1980 and, in some respects well before that, the two regimes had been at loggerheads about many policy issues. These hitherto semi-latent conflicts came to the surface when each regime sought to legiti-

a crime against the public order and safety included in chapter 12. See: The number of crimes committed against the state and of political nature, the reasons for the crimes based on the experienced of the past 14 years. Ministry of the Interior Department III/1. 3rd March 1974. 16 p. in CAMI CD no. 1974. 34-67/74.

16 Report about the results of border control. The Proposal of the Minister of the Interior to the Political Committee of the HSWP about the long-run assignments of border control. 3rd February 1989. Supplement number 3. MOL M-KS 288. f. 5/1054.

17 The number of Romanians migrating to Hungary in a yearly compilation. István Horváth: The migration of the Hungarian minority in Romania to Hungary. Korunk. February 2002. Chart number 8.

18 Report about the results of border control. The Proposal of the Minister of the Interior to the Political Committee of the HSWP about the long-run assignments of border control. 3rd February 1989. Supplement number 3.

mate its rule by resorting to sharply different policy. Kadar opted for soft dictatorship and consumerism, Ceausescu chose national chauvinism, de facto ethnic cleansing of Hungarian-populated Transylvania and an economy of scarcities. These incompatible postures were rapidly exacerbated by the ethnic Hungarians' attempted exodus from Romania. The bilateral dispute soon acquired international dimensions. With the help of the regime-controlled media, each side sought to justify its domestic agenda – both to their domestic constituencies and to the international community. Both sides sought to elicit international support for their cause. In this situation, a variety of data, motives and interpretations of their decisions, were published with reference to the groups of people migrating from Romania to Hungary.

The fundamental equation is straightforward: “people always tend to escape from tyranny to freedom.” As an expert observer explained, the common thread of the reason for migration is coercion or pressure to leave. These include “political persecution, ethnic or racial discrimination, disasters, wars and military conflicts, and finally unemployment, or social and economic problems” (Tóth 1991: 112). As for Romania, it would be misleading to treat political motives as the sole reason for that regime's conduct. It is true that refugees escaping from Romania mainly complained of “lack of democracy, terror, ever-present spy network, and ethnic discrimination by way of coercive “urbanisation” and the dismantling of small rural communities (Kende 1989: 95-96). However, contrary to the official propaganda, it was a fact of life in Romania, that the majority of the population, compared to the European average, as well as to the Hungarian standards of living, lived in poor and ever-worsening conditions.¹⁹ As shown below, our discussion will focus mainly on the political motives of the refugees, because these played a decisive role in motivating the migration of Romanian citizens, but also in the measures taken by Hungary and her domestic agencies, as well as in the receptivity of the refugees by Hungarian public opinion.

Next to questions related to the legitimacy of the Kadar regime, the nationality question, that is, the issue of the ethnic Hungarians across Hungary's borders, was a forbidden topic. The issue was made taboo by the web of the regime's commitments to the internationalist and “fraternal” socialist (communist) parties of the Soviet bloc. From this it follows that the interpretation of problems presented by the presence

19 We may as well call the case of a twenty-year-old couple tragic-comical. They left their six-months-old baby in Romania and justified their escape with the fact that “there is video in Hungary”. Forró, Tamás and Havas, Henrik's interview with captain Péntes, Margit the acting director of the Division of Administration of Hajdú-Bihar county police department. After Arad – who knows where?, Háltér, Budapest., 1988, p. 78.

of the Hungarian minority was the regime's prerogative. Therefore, an open discussion of these issues was relegated to the politically illegal opposition. It also gave voice and an agenda to Hungarian émigrés of the west, as well as to the Hungarian-language media published and broadcast abroad.

The meetings of editors-in-chief of the Agitation and Propaganda Department of the Hungarian Socialist Workers' Party (HSWP) served as additional control mechanism of the party over the press (Hegedűs 2001; Pór 2004). Such monthly meetings sought to identify anticipated events suitable for publication, as well as an analysis of the media's output to date. Pursuant to the regime's agenda on the "nationality question," the party leadership suspended in 1978 all "problematic writings" related to Transylvania, as well as strengthened the "effectively functioning" of "ex-post censorship." It "provisionally" mandated that writings dealing with Hungarians abroad could only be published after consulting with the Central Committee's Department of Agitation and Propaganda. However, more important than these measures were the interpretation of the set of guiding principles for the press:²⁰

- Regardless of location in the world, only socialism can solve the problem of nationalities; there is no other solution.
- The fundamental precondition to resolve the nationality question is that there should be good relations between peoples and countries. Read: tensions between Hungarians and Romanians only harm the situation of Hungarians living in Romania.
- We must treat the issue in a way that would not harm our cause (danger of isolation) and would not harm Hungarians living outside the borders.
- The ethnic issue is not a territorial issue for us.
- Hostile, fascist émigré groups now especially agitating on behalf of Hungarians in Romania are our enemies, as they are enemies of the Socialist Republic of Romania and the Hungarians living in Romania.
- In sum, we care about the fate of Hungarians abroad according to principles of internationalism.

In the same year the same issue came up, with a similar level of secrecy, but with a radically different interpretation. At that time, the Department of Intelligence (III/I-1.) of the Ministry of the Interior was tasked with intelligence operations against the United States and international organizations. Evidence of the success in obtaining information needed for domestic consumption in Hungary was the

20 NAH M-KS 288. f. 22178/25.

acquisition of a NATO internal document. On 18th April 1978, the British delegation prepared a memorandum about the situation of the Hungarian minority in Romania for the session of the Political Committee of the NATO.²¹ Slightly two months later, the Minister of the Interior sent the translation of the memorandum to János Kádár and to the five members of the party's Politburo. The summary is as follows:

- The Hungarian ethnic minority – that lives mainly in Transylvania – is one of the largest ethnic minorities in Europe. According to Romanian census data, there are 1,7 million Hungarians of the total population of 21,5 million. According to Hungarian émigré sources, the number of Hungarians living in Romania is estimated at 2,5 or possibly 3 million.
- Transylvania has historical importance for both Romania and Hungary. For the Romanians, it means the homeland of their ancestors who lived there since antiquity. Hungarians had ruled Erdély directly or indirectly since the 13th century. From 1867 to the First World War, the Romanians suffered much from Hungarian nationalism and forcible attempts to assimilate. The Romanians – considering the invasion of northern Transylvania by Hungarians in the Second World War by virtue of the Second Vienna Award of August 1940 - are probably afraid that the Hungarians once again will demand the return of Transylvania.
- At the end of the 1950's, the old Hungarian university in Cluj Napoca was integrated into the Romanian university system as part of coercion against the Hungarian ethnic minority; and this coercion has been implemented partly or totally ever since. Probably encouraged by other anti-regime movements elsewhere in Eastern Europe, some members of the Hungarian minority initiated an open protest movement in recent years. The first manifestation of this protest – to which the west paid attention – was the so-called "Lazarus Document" allegedly written by a Hungarian person living in Transylvania under a pseudonym.²² This document contains a report about the past of the Hungarians in Transylvania, about

21 The situation of the Hungarian minority in Romania: further vicissitudes. (A magyar kisebbség helyzete Romániában: újabb megpróbáltatások.) Report of Benkei, András about the NATO-report, 1st July 1978. CAMI Files of Interior 1978/ 96. 1-a-776.

22 In the March-April issue of the Paris Literary Journal the study entitled Report about Transylvania (Jelentés Erdélyről) is published, written by Tóth, Sándor professor of Philosophy in Cluj Napoca and Budapest philosopher Tordai, Zádor under the pseudonym Lázár, György. The Western media turns attention to the report. For example, the issue of the Le Monde published on 5th May 1978 explains it, and then the report of Schöpflin, György is written based on this report, published by Minority Rights Group. The Witnesses to Cultural Genocide was published in 1979 in the volume entitled Romania's Minority Policies Today that was published in New York in the edition of the American

their participation in the fight for Romanian socialism between the two world wars and describes their present situation. Although it is very probable that the document was written before 1976, it was published in the West only in March 1977. An intellectual group consisting of mainly Transylvanian Hungarians somehow managed to obtain this document; therefore, it also became known in Hungary before the meeting of Kádár and Ceaușescu in June 1977 near the Romanian-Hungarian border [...]²³

- The Hungarians are critical the “Romanization” policies in education, because they are afraid that this phenomenon will not only decrease the number of educated Hungarian in positions requiring a high level of academic preparation to a minimal number, but it also endangers the characteristic Hungarian culture in Transylvania. The ethnic policy of President Ceaușescu is the product of Romanian nationalism that is the gist of both his external policy and internal policy aiming to create a strong nation state. Ceaușescu, in his speech addressed to the Commission of Hungarian-speaking Workers on 15th March said that ethnic problems must be examined based on class aspects, and “if discriminations occurred in Romania, then they did not occur based on national, but on class interests”.
- Kádár also spoke about the solution of ethnic problems with socialist solutions. In an interview published in the Frankfurter Rundschau the previous year Kádár declared: “In the 20th century, an ethnic problem cannot be solved by 19th century standards. The fate of the minority cannot be separated from the fate of the majority. The ethnic issue is one of the issues that will gain their final solution in socialism, based on the fact that socialism provides free development for the whole society, including the minorities within. In today’s Europe, the fate of nations and ethnic minorities cannot be solved by recalling past glories, only by the correct application of the lessons of history.” This last sentence can be interpreted as a warning to Hungarians living in Hungary, or as criticism to the Romanians, or both. Kádár, while he is probably anxious about the fate of the Hungarians in Transylvania, has to operate carefully, if

Transylvanian Federation Inc. and the Committee for Human Rights in Rumania, with the foreword of Schöpflin, György. (See also: Tóth 1989: 5-16.)

23 The document was later forwarded – with current information – to Király, Károly, the former member of the CC of RCP and the Romanian Parliament. It deals with the letters of the Vice President of The Committee of Romanian Workers of Hungarian Nationality written to leading Romanian personalities, in which Király, Károly expresses his deep anxiety about the violent assimilation attempts of the Romanian Government against Hungarians. Király was obliged to move from Tirgu Mures, a town populated by Hungarian majority to Caransebes where he was assigned to be the director of a furniture factory. See the whole text: Révész, Béla: A NATO-document about the situation of the Hungarian minority in Romania (NATO dokumentum a romániai magyar kisebbség helyzetéről). ArchívNet 2005. http://www.archivnet.hu/old/rovat/cikk.phpml?cikk_kod=109

he does not want to see the revival of nationalism and irredentism in Hungary.

- Kádár – according to the declaration – during his meeting with Ceaușescu last year agreed that for both countries the right solution of minority issues lies in building socialism; at the same time, he admitted that the solution of the problem are an internal affair of each country. During the meeting an agreement was reached on opening the border for local traffic and about the establishment of a Consulate in Cluj Napoca a long time wish of local Hungarians and about the establishment of a Romanian Consulate in the Hungarian city of Debrecen. Despite this, concerns in Hungary about the fate of Hungarians living in Transylvania did not subside. Gyula Illyés, the well-known Hungarian writer published articles in the December and January issues of the Hungarian daily Magyar Nemzet expressing concern for the increasing oppression of the Hungarian minority in Romania. When Stefan Andrei, secretary of foreign affairs of the Party visited Hungary, the issue was obviously discussed, but judging from the brief statements issued and published on the press of both countries, no visible progress was made on the matter.
- While it is not probable that Kádár would encourage the re-emergence of Hungarian territorial demands for Transylvania, the Romanian failure to improve their treatment of the Hungarian minority will most likely not satisfy Budapest's expectations, leading to continued or even increased tensions between the two countries. The assumption is that it is not in the interest of the Soviet Union for the situation to worsen but it may be tempted to apply some degree of pressure on Romania in response to the Hungarian minority concerns.

The NATO report reflects the British Intelligence's concise summary of the background of the historic ethnic conflict between Hungary and Romania, focusing on the current problems, that is, those of the 1970's forwarding the information to the NATO Council, one of the most significant deliberative bodies of the organization. A very important approach of the report is that it made a connection between the increasing protests on behalf of the Hungarian minority and the opposition movements in Eastern Europe. Using material from legal and undercover sources of intelligence, the report was able to document the tensions between the two countries, it also offered dubious solutions to end the controversy, using official documents and unofficial or informal hearsay material. A common feature of the above mentioned documents is the article written by noted Hungarian writer Gyula Illyés published in the Christmas 1977 issue of Magyar Nemzet. In fact, while the Hungarian Socialist Workers Party calls it a "problematic writing",

the NATO report makes reference to the “very strong article” by the “highly respected Hungarian writer”. There are no data about the fate of the NATO report. János Kádár read the document without commenting on it. In the next decade, its most significant findings became increasingly valid.

Urbanization, Village Destruction: Motives, Opportunity, Pretext

After the publication of the three-volume *History of Transylvania*²⁴ in 1986, edited by a leading party ideologue, the already tense Hungarian-Romanian relationship was further burdened by ideological conflicts. The Romanian government did its best to make people and the international public opinion believe that the history book contained “Fascist, chauvinistic and racist statements” and “forgeries of history that harm the memory of the victims of the Horthyist terror”.²⁵ In their campaign, “the nationwide plenary sessions of the Committee of Hungarian-speaking Workers” was also enrolled in the effort. On 27th February 1987, a new session Commission of Ethnic Affairs was organised and even non-experts criticized the *History of Transylvania* without reading it and made their statements on prepared texts. Ceaușescu argued for the theory of Daco-Romanian continuity, spoke about the Hungarian-Romanian cooperation against the Turks and declared that the ethnic issues had already been solved in Romania. He commented on the book that “it was a forgery of history” that was thwarting cooperation between two socialist countries.²⁶

24 Erdélyi története I-III (*History of Transylvania I-III*). [edited by Köpeczi, Béla]. Akadémiai, Budapest, 1986.

25 On 7th April 1987, the Times published an advertisement that with the publication of the book, “under the aegis of the Hungarian academy of Sciences, history has been forged”. Under the same title, another text were published in English written by academicians St. Pascu, M. Musat and Fl. Constantinu (A Conscientious Forgery of History of Transylvania under the Aegis of the Hungarian Academy of Sciences Romanian News Agency.), enumerating the opinions of Romanian historians about the Dacian-Romanian Continuity, the independent Province of Transylvania, the national effort of Duke Michael, the rightfulness of the Romanian revolution in 1848-49, the Hungarian oppression in the Austro-Hungarian Monarchy, citing Marx, Lenin, Tolstoy and Björnson. The Trianon Treaty of Peace was evaluated as the resolution of the Romanian population of Transylvania, in North Transylvania, the oppression of the Hungarians between 1940 and 1944 and the deportation of Jews were emphasised, and finally it was declared that ethnic issues were already solved in Romania. The edition was considered “revisionist, chauvinistic, reminiscent of the Hungarian history writings of the Horthy-era”. (See: Köpeczi 2006: 1)

26 Ibid.

But the anger fuelled by the Romanian political leadership was only an element of increasingly vocal national homogenisation efforts. At the 10th Congress of the Romanian Communist party, the Secretary General highlighted the changing role of the state: “No doubt that after the elimination of the exploiting classes, in harmony the developing homogenization of the socialist society, the role of the state and the instruments it employs also changes.”²⁷ When making reference to the nationalities of Romania and until the mid-eighties, Ceaușescu made specific references to “all of the workers – Romanians, Hungarians, Germans and other nationalities”, but this expression was replaced by “all of the workers without any differences, our whole people”, “all citizens of our homeland” and “nationalities living together” at the session of the Committees of Hungarian and German Workers at the end of 1984.²⁸

However, the process of cultural homogenisation had begun much earlier (Süle, 1990: 265-269; Lipcsey 1989: 64-66; Tóth 1989: 124-133). In the first quarter of 1985, broadcasting by the ethnic district stations of the Romanian Radio were discontinued in Cluj Napoca, Targu Mures and Timisoara and the editorial staff and their nearly 600 employees were dismissed. The Hungarian language TV channels had a similar fate. From 1986, the material of the museums in Transylvania was transferred to Bucharest²⁹, and Hungarian books became unavailable for the readers in the libraries.³⁰ Bilingual inscriptions and street names disappeared in Transylvania, and the majority of streets of Hungarian

27 N. Ceaușescu: The Report of the Central Committee of the Romanian Communist Party about the activities of RCP from the period between Congress 9 and 10 about the future tasks of the Party. 6th August 1969. In: Romania on the way of building a many-sided developed socialistic society. Politics, Bucharest, 197, p. 297

28 See: A Magyar Nemzetiségű Dolgozók Tanácsának feladatairól a XIII. pártkongresszus i határozatok fényében (In the light of the Resolutions of the Party Congress 13 about the tasks of the Committee of Romanian Workers of Hungarian Nationality. Onwards (Előre), 29th December 1989.

29 “Connected to the preparation of the party meeting, the first room of the Museum of Local History in Cernat where the most ancient monuments of local history were exhibited was evacuated and was filled with the material presenting the periods of the Dacians to present day and the Ceausescu-era, based on the guidelines of the County Museum. However, on the county level it was considered so important that the Secretariat of Propaganda Affairs ordered the leader of the Securitate to check it in person on Saturday, 7th November.” Report of the Hungarian Embassy, Bucharest, 10 November 1989. Declassified documents of the Ministry of Foreign Affairs 1989. NAH XIX-J-1-j. 76. b.

30 “The distribution of all Hungarian press products was suspended throughout Romania for 1990. The chances of press subscriptions were very narrow even this year, but until 1989 it was allowed to subscribe for Hungarian press products not containing political and cultural references. The customs procedure well-known as for Hungarian press

towns were renamed in Romanian. The number of books published in Hungarian decreased to 50 percent in 10 years; in 1972 265 books were published in Hungarian, but only 225 in 1980, and in 1987 less than 200. Only 2 million books of the 50 million copies published in 1981 were Hungarian, but based on the ethnic-linguistic ratios, this number should have been around 4 million. After the Second World War, there were six independent Hungarian theatres in Romania – more in 1956, when four companies operated only in Cluj Napoca – up to the 1980's, when only two theatres remained: one in Cluj and one in Timisoara.

The two large theatres of Transylvania were integrated into Romanian theatre companies: in Targu Mures and Sfântu Gheorghe. From the end of the 1970s, the number of Hungarian primary and secondary schools decreased to 25 percent. Based on the earlier Act of Education, 15 students were sufficient to create an "ethnic class," but until the beginning of the 1980s the students could learn in Hungarian primary school with 25 students and in secondary schools with 36 students. While in the school year 1977-78 the number of Hungarian primary school students was 7-8 percent, in 1986-87 this ratio was only 5 percent.

The practice introduced in 1956 according to which one could take an entrance exam in Hungarian at any university of the country, and in case of students a Hungarian group, could be established, was ended. In the Department of Hungarian Studies of Babes-Bolyai University 32 instructors taught in the school year 1964-65, but only 14 in 1988. In the school year 1986-87 7 students got a degree of Hungarian studies, but since it was the state that gave jobs to graduating teachers, engineers and doctors, fewer and fewer of them got a job in the areas of Transyl-

products makes it impossible that even a letter written in Hungarian should be allowed in Romania." Report of the Hungarian Embassy, Bucharest, 7th December 1988.

In the recent weeks, Chlef Bogdán, teacher of Romanian and French language was nominated as the director of the "closed library" of Sfântu Gheorghe, 54 years old (his wife is Hungarian) who is renowned for his hatred for Hungarians. The town propaganda secretary is Chlef's best friend. The new library director was assigned to annihilate everything in the library and in the Székely Museum that is Hungarian as soon as possible. The ambition of the director leaves no doubt about that he will accomplish his mission as soon as he can. The "cleaning" will begin in a few weeks.

Report of the Hungarian Embassy, Bucharest, 7th February 1989. NAH XIX-J-1-j. 76. b. "Our cultural reporter has made an interview with A. Pezderka who takes over the library in Romania. Pezderka told: The Romanian party does not intend to give back the books of 500,000 ROL value, as defined in the earlier agreement. Strictly for our own information, he handed us a list composed by him about our orders. From the list it turns out that only a small quantity of the books ordered by them has been transported up to now, one part of them is still being printed, another was not even sent to the printery. According to Pezderka, the Romanian intention is clear: since he cannot satisfy our demands, based on the principle of reciprocity, he will decrease his orders from Hungary. Report of the Hungarian Embassy, Bucharest, 1st December 1989. NAH XIX-J-1-j. 77. b.

vania populated by Hungarian majority. In 1985, 5 of the 22 final-year students got a job in Transylvania, and since 1987, it was the norm that Hungarians having a baccalaureate or a similar degree were employed in nearly exclusively Romanian-speaking areas.³¹

The “Urbanization Project”

The situation worsened with news gradually coming out of Romania at the beginning of 1988 about the urbanization project of gigantic proportions, later called “village destruction” scheme. Romania declared in March that the majority of the population of villages would be relocated to so-called “agricultural centers of urban character” within the framework of the urbanization project. According to his own admission, President Nicolae Ceaușescu was preparing for the project to run for more than 20 years.³² The details of the President and Secretary General of the Party were made known to the world in his speech delivered on 29th April 1988. The number of villages (then about 14,000) were to be cut by nearly half - declared Ceaușescu at the session of the Political Executive Committee of the Romanian Communist party. The Central Committee quickly accepted his declaration at its next session, and in May the 40 county party committees also announced support for the project. In place of the about 7,000 villages to be eliminated, they proposed to create 350,000 hectares of field and nearly 500 large industrial and agro-biological complexes. This project affected 2,000 largely Hungarian settlements, mainly in counties Harghita, Alba, Bihar, Cluj, Satu Mare and Covasna (See: Vincze 1994).

The initial shock was followed by sharp Hungarian, and then, international protests. Government agencies and non-governmental organizations spoke up against the project. At the end of February the United States declared that they would deny Romania most favored nation status because of its human rights record. The most favored nation status trade privilege had been given to Romania for its previous independent foreign policy posture within the Soviet bloc. The Government of the

31 See: Cabinet Directive 54/1975 about the position of graduates in the industrial production.

32 The CC of RCP passed the principles of the improvement of the administrative-territorial reorganisation of the country and of the urbanisation of villages in October 1967. But exactly what it means was conceptualised by Ceaușescu in his comment held at the Congress of People's Committee Presidents in 1976: “As for the urbanisation of villages we do our best to decrease the number of such settlements (...) and establish strong centres, the most important social and economic activities are focused on mainly in developable communities and villages. 1989, p. 78.

Federal Republic of Germany learned about the village destruction plan with “the greatest anxiety”, as it would affect the German minority living in Romania. At the Vienna follow-up meeting (1986-1989) dealing with the Helsinki Final Agreement it was reiterated in several speeches that the provision of ethnic rights was an organic part of normal interstate relationships, and the meeting in Vienna could not ignore the event connected to it.

The Hungarian Ministry of Foreign Affairs called in the ambassador of the Socialist Republic of Romania in the beginning of April and explained: the Hungarian government had been informed with deep anxiety about the fact that in Romania the names of settlements had been used only in Romanian from 3rd April. Furthermore, they told him that the elimination of smaller settlements would modify the ethnic composition of the country and this measure would discriminate against ethnic minorities. The forcible eviction of residents would violate the most basic human rights; with the elimination of thousands of the villages inhabited by ethnic minorities their sense of community and preservation of heritage would be weakened.³³ In this situation, Károly Grósz made an unexpected announcement in the middle of July at the national meeting of Worker Guard commanders, when he declared that he would soon start official negotiations in the Socialist Republic of Romania.³⁴ His proposal was accepted by the session of the Hungarian Socialist Worker's Party Secretary on 28th March 1988, and the official invitation transmitted by Bucharest with the proviso that “the date of the visit should be diplomatically agreed”.³⁵ According to the decision of the Political Committee made at the session on 14th June, the Secretaries of Foreign Affairs of the two parties should have a preparatory initial meeting where they would discuss the elements of the Hungarian-Romanian relationship. If these initial negotiations were successful, there would be a basis for the later negotiations with the Heads of the Governments and later a meeting of at Secretary General level.³⁶

The demonstration held at the Heroes's Square in Budapest on 27th June rewrote the planned scenario for both Budapest and Bucharest. At the mass demonstration organised for the first time since 1956 about 40 to 50 thousand people (according to the police 20 to 30 thousand, and

33 The events were published only three months later. The spokesman of Foreign Affairs Komoróczy, István about the Romanian measures. *Népszabadság* 7 June 1988.

34 Nationwide Congress of Worker Guard Commanders (Munkásőr-parancsnokok országos találkozója). *Népszabadság*, 13 June 1988.

35 NAH M-KS 288. f. 7/802.

36 NAH M-KS 288. f. 5/1028.

according to the participants more than 150 thousand) demonstrated against the plan of village destruction program.³⁷ Next day the Romanian Ministry of Foreign Affairs called in the Hungarian ambassador in Bucharest and informed him that the Romanian Government decided to close immediately the Hungarian Consulate in Cluj Napoca and demanded that the staff of the Consulate should leave Romania within 48 hours. The decision was justified by the Hungarian demonstrations against the Romanian resettlement plan.³⁸

On the same day, the Council of Romanian Workers of Hungarian Nationality held session. The approved statement hailed as the greatest achievement of the Ceaușescu-era that is “securing consistently the total equality of all compatriots and the unity of the workers.” They resented and declared unacceptable the chauvinistic, irredentist, and revanchist manifestations of the People’s Republic of Hungary that “purposefully distort reality and treat with hostility the great achievements of the Romanian people through the new socialist social system that not only falsify the present, but also the historical past.” Next day the Central Committee of the Romanian Communist Party took up the question of the Romanian- Hungarian relations in a similar vein.³⁹ Ceaușescu declared that “certain chauvinist and nationalistic circles, in order to distract attention from problems wanting for solutions, employ methods that even Horthy would not have allowed”.⁴⁰

The tense situation and its background were summarised by a comprehensive report prepared in Bucharest that was forwarded to the Minister of Foreign Affairs by the Ambassador:⁴¹

Based on Nicolae Ceaușescu’s own conception, in the autumn of 1986 we obtained the first information about a comprehensive plan of

37 Heroes’ Square (Hősök tere). ’June 88 27. editor: Varga, Csaba. Eötvös, Budapest., 1998.; Ara-Kovács, Attila: Mirage on the street corner (Délibáb az utcasarkon). Speaker (Beszélő), 1999, p. 9.

38 On 28th June the Ministry of Foreign Affairs of Romania called in Szűcs, Pál, Hungarian ambassador in Budapest and informed him about the Romanian party and state leadership according to which the operation of the Consulate in Cluj Napoca is considered to be ceased, and the crew of the Consulate should leave Romanian within 48 hours. Népszabadság 29th July 1989.

39 The letter of the CC to the HSWP. Népszabadság, 30 June 1988.

40 See: Forced orientations – minority policies (Történeti kényszerpályák - kisebbségi realpolitikák).

41 A falurombolási terv jelenlegi állása (The present situation of the village destruction project). Pál Szűcs ambassador’s proposal forwarded to Minister of Foreign Affairs Várkonyi, Péter. Embassy of the People’s Republic of Hungary, Bucharest, 12 December 1988. 198/Szt/1988. HSWP Department of Social Policy NAH M-KS 288. f. 22/1989. 22.

resettlement according to which a demarcation of area where settlements can be built will be outlined, and the real estate and settlements outside that demarcation will be eliminated. According to the plans of that period, the affected real estate will be nationalized. The former owners will be compensated at 20% of the value of their property. These owners would be housed in rental units in the village center or elsewhere in the new settlement, generally with smaller plots of land (250 square meters). Vice Prime Minister Ion Dinca explained at the meeting with Comrade Váncsa⁴² that with this new method, for example, with the elimination of superfluous roads they would gain back 500,000 hectares of land for agriculture. Another objective was to eliminate the differences between villages and towns.

From these conceptions evolved the program of village destruction and the bulldozer policy. The execution of the program would be just one component and symbol of the historically grandiose Ceaușescu-era. In our view, the redrawing of the ethnic and geographical map of the country, is not directly linked to the broad range settlement program worked out in the 1970's in Romania. At that time there were no plans to eliminate half of the settlements. That's why it is untenable that Ceaușescu's claim that the project undertaken would be a part of a 20 year plan.

It is true that earlier resettlement plans were frequently discarded. The modification and destruction carried out in Bucharest were often done by on-site decision made by Ceaușescu himself (not only due to the building program of the new monumental government quarter) and as part of the creation of several town centres in the country. In underdeveloped regions, for example in Moldova, the new centres meant a positive change, a kind of improvement; but in other cases, for example, in Transylvania, they contributed to the uprooting of historic and ethnic characteristics. The secretary general of the Romanian Communist party admitted that "settlements in Transylvania are more compact."

The plan of village destruction involving many settlements, real estate and masses of people was unique in the world, and had from the very beginning a negative bent in terms of ethnic policy, as the settlement program was designed to strengthen the Romanian character of ethnic areas and weaken the centuries-old compactness of Hungarian ethnic groups. The redrawing of the map of Romania by Ceaușescu would have extremely negative consequences for the Hungarian ethnic minority, their values and for the preservation of Hungarian and

42 Váncsa, Jenő was the Minister of Agricultural Affairs between 1980 and 89, himself born in Brassow, Transylvania.

European history and culture. Because the ethnic characteristics of towns were changed in the past 70 years in favour of Romanians, the existence of the Hungarian ethnic communities remained more or less untouched in villages. The threatened disruption of this traditional network of villages posed the greatest danger. For example, the fate of churches and cemeteries was unclear; the majority of such properties were church property. We could assume that there may remain some historic buildings or monuments and others may be transferred by the church. As the churches, both Catholic and Protestant, lacked the necessary financial means, many monuments would have been lost, just as it happened in Bucharest. The ethnic character of Transylvania would diminish with the redrawing of the map, and the replacement of many villages would with uniform new settlements and towns.

Between 1986 and 1988, many villages were destroyed around Bucharest and modest small settlements were built where the whole population were forced to move in. Around Snagov, in the autumn of 1987 some villages were already destroyed. The former owners had to dismantle their own houses, or else they had to pay for the contractors to do it. In the new housing blocks they became not owners but tenants. This was not only a violation of human rights, but also illustrated the coercive character of the whole project.

It is noteworthy that the Romanian party leaders did not support the village destruction project until the beginning of 1987. The project was mentioned only in a few speeches given by Ceaușescu. The situation was the same in the time of the Congress of People's Councils in March, where Ceaușescu argued for speeding up the resettlement plan. He declared that the number of 13,000 villages must be drastically reduced to 5 to 6,000. Upon the implementation of the plan, at most 2,000 villages would have remained, and, in accordance with the number of agricultural committees, 558 agricultural centers were to be established. Until 1990, two-three model agricultural centers were to be created, and by 1995 the building of agricultural towns would be completed, and by 2000 the whole project must be completed.

After the congress, the resettlement of villages received a greater emphasis in the propaganda effort. The media got weekly instructions to promote the execution of the plan. The party's Central Committee and representatives of the National Council of People's Committees set up a committee in charge of carrying out the project, and the prime minister shortly thereafter became its leader.

A decision, which was not made public, was made about the fact that county plans would be worked out and finalized in a few months.

Although there were doubts about the feasibility of the program (at issue were financial resources and the capacity of the building industry), but the dismantling phase was fast approaching. There was some personal information from the ethnic areas of the county of Covasna, where the whole plan cycle would be completed by 1992.

In fact, based on the speeches given by Nicolae Ceaușescu all preparations were made for the village destruction program. The area around Bucharest was a showcase of the consequences of the program (See also: Hunya 1989).

When the report was made, “the top secret, highly confidential document made exclusively for the highest state and party leadership” could not be known for the Hungarian embassy, but the document was in possession of the Hungarian intelligence “from an operational venue”, and it also reached the narrow leadership of the HSWP via the ministry of the interior’s department III/I.⁴³ This department officially could not execute missions against “fraternal socialist countries” including Romania. On the other hand, its actual operational fields, marked with X, belonged to a “fraternal” socialist state. It was also an open secret that many agents of the Department of Foreign Intelligence of the Securitate, the *Departamentul de Informații Externe* (DIE), was already active in Hungary.⁴⁴

The documents evaluating the meeting of the two parties’ secretaries general on 28th August, 1998 in Arad, were drafted for the HSWP politburo by the foreign department of the CC, HSWP also called attention to this issue:

“Violating the agreements concerned, Romania is doing wide-range intelligence activities in Hungary. To neutralise these activities, the competent authorities of the ministry of interior should assess the impact of these activities against our state security, including the circles connected

43 Historical Archives of State Security Agency (hereafter: HASSA) (Állambiztonsági Szolgálatok Történeti Levéltára) Secretary of Deputy Minister of State Security’s Files (Állambiztonsági Miniszterhelyettesi Titkárság iratai) 1.11.1. 27. b. 45-13/13/a/1988. Budapest, July 1988, pp. 174-183.

44 Dr. Horváth, István (former Minister of the Interior): There was some cooperation between the organisations regulated by bilateral agreements. The Hungarians had such agreements with the German Democratic Republic, Yugoslavia and Austria, and we were preparing to sign such an agreement with the Federal Republic of Germany. So there were certain agreements of cooperation between certain countries. There was cooperation and (...) there was also competition. And there was a manifestation, I must say, that we did not like, let us say that it is not important to write about in the daily press, but the Yugoslavian intelligence was operating in Hungary, in the same way as the Romanian intelligence. Memorandum about the session of the Committee Examining the Intelligence Activities of the Prime Minister, 6th July 2002, Delegation Hall of the Parliament. NBB-5/2002-2006.

with embassy staff and the activities of Romanian intelligence present in Hungary.⁴⁵

The document of the Hungarian intelligence forwarded to Budapest, cited below was not on the agenda of the politburo, but all the members of this body as well as the secretaries of the Central Committee.⁴⁶ The introduction of the report contains the summary of the ministry of the interior about the escalation of tensions up until 1988 and their reasons:

The competent authorities of the ministry of the interior – based on a high-level political decision – are continually informed about developments in the Romanian situation, Romanian moves and their outcome. According to this:

The Romanian authorities increased in July the discriminative actions taken against Hungarian missions and their staff in Romania. Selective control at airports was extended to our personnel, as well as to our experts on long-term missions and their family members, including their visiting relatives.

In a departure from earlier practice, an incident took place involving a Hungarian holding a diplomatic passport which was confiscated and a shipment consigned and sealed by the ministry of foreign trade, was opened and returned to him 8 hours later. There is suspicion that our diplomatic pouches are monitored electronically.

In conjunction with discriminative measures against Hungarian citizens assigned on official missions in Romania, the Romanian authorities were trying to give the impression that the Hungarian government was unable or unwilling to provide the appropriate circumstances for the unhindered operation of the Romanian embassy in Budapest. The advisor assigned to liaise with Romanian diplomats accredited in Budapest told diplomats of other countries that an expert of the Romanian ministry of foreign affairs visited Budapest at the beginning of this month (July) and his assignment was to make preparation for the evacuation of embassy staff and families.

It was rumoured that the successor of the incumbent Romanian ambassador in Budapest would not be career diplomat, but a well-known historian or academic, or perhaps only a caretaker official.

45 NAH M-KS 288. f. 5/1035.

46 Sent to: Comrades Grósz, Károly; Dr. Berecz, János; Csehák, Judit; Hámori, Csaba; Iványi, Pál; Lukács, János; Németh, Miklós; Nyers, Rezső; Pozsgai, Imre; Szabó, István; Dr. Tatai, Ilona; Fejti, György; Varga, Péter; III/III-12., Archives.

There were signs that there was resistance against the resettlement plan. Apparently the leaders of Covasna and Harghita counties were trying to hinder the implementation of the programs by failing to prepare in a timely manner proposals for elimination of villages and were also trying to seek to obtain concessions from the central authorities.

Contemporary observers surmised that given the dissatisfaction with the resettlement program in some villages populated by both Hungarians and Romanians, the emphasis of Ceaușescu's speeches had shifted. In one of his speeches he said that the measures did not have to be acted upon so urgently, and in another there was a variation in the number of settlements to be destroyed.

There were prominent personalities and their family members among the Romanian citizens migrating to Hungary from Romania and not intending to return home. These included the children of high-ranking officers of the Securitate, the daughter of the former minister of the interior, an ex-body guard of Ceausescu.

On the Romanian side of the border everything was done to prevent the migration of people. A Securitate brigade of 2,800 was dispatched to the Romanian-Hungarian border. Their main task was to prevent illegal emigration of Romanian citizens to Hungary and to strengthen border control. To reinforce border guards, newly recruited Worker Guards were also deployed. On 15th July of 1987 shots were fired at a railway car behind the international express train to Biharkeresztes, and there are also unconfirmed reports of the presence of Securitate officers, with the mission to create confusion among refugees in Hungary.

We obtained the rough Hungarian translation of a top secret document issued by the Romanian Communist party for high-level political leaders. The material – assuming that was not disinformation – gives us an insight to the thinking of the highest Romanian leadership about the relationship of the two countries and about likely “solutions”.

Our agencies are monitoring events and adopting measures consistent with their sphere of authority.

The Bucharest-originated document provided no further information about purpose and character of the material itself or the circumstances surrounding its distribution, and there was not comment on part of Hungarian intelligence either. But the observation that the document “may have been sent to us as a provocation” suggest suspicion on the part of department III/I. In addition, the translation of the text was not done by the Hungarian state security agencies either, but “a rough and extracted translation” was obtained by Hungarian intel-

ligence. Much of this raises the question whether or not it was possible that a document drafted in Romanian “for the highest political leadership” could be translated into Hungarian at once in the Ceaușescu-era, or it is only a bogus disinformation document made for the Hungarian government.

However, the style and content of the document suggested that the document may be genuine and was intended for the Romanian party bureaucracy’s mid-level leadership. From documents of the HSWP, it was known that proposals were deemed to complete only when the issuers of the concerned departments were identified. In the document obtained, the issuers were the secretary, the CC and the secretariat of the Romanian Communist party. Therefore, it can be assumed that the document was confidential and was prepared by the department of agitation of propaganda of the CC with active contributions from the DIE (Romania’s security agency) and was intended to provide guidelines for the party apparatus (and perhaps leading press representatives) on how to handle the tense situation leading up to the summer of 1988. The stylistic feature of the document was that it contained “apparat-speak”, such as “our beloved Homeland, dear Romania”, “the great leader of the Romanian nation, of our homeland, Comrade Ceaușescu” may also support this assumption. Language of this sort was widely used in mass propaganda but rarely appeared in documents for the highest political leadership.

The document, however, contains some really remarkable information:

- All the conditions necessary to go forward with the resettlement project summarised in nine points were ready for the elimination of more than 7,000 villages. These conditions included the project timeline, the financial and technical requirements, including the involvement of Romanian National Army. However, in the light of subsequent events, the effect of vehement domestic and international protests could not have been an exaggeration, even though we do not have more precise information on this.
- The Romanian government imposed serious conditions to continue the Romanian-Hungarian talks with the probable aim that upon the likely refusal of those conditions the Hungarian side could be portrayed as uncompromising in resuming dialogue. Otherwise, the Romanian side would not have demanded next to the high-minded respect for Romanian national sovereignty, the absurd demand that the Hungarian Government should take the commitment to “end illiteracy”.

- During 1987, according to Romanian data, altogether 1,262 citizens migrated to Hungary, while Hungarian statistics list 10,445 people. The difference may be explained by the arrival illegal migrants and those who arrived in Hungary with a valid passport but refused to return to Romania. The Hungarian ministry of the interior declared on 10th June 1988 that from the beginning of the year 4,977 Romanian citizens had declared that they did not wish to return home. By the end of the year, 12,273 people were granted temporary residence by the Hungarian authorities.

The original text of this “the top secret, highly confidential document” is:

Recently, the humiliation of our beloved homeland, our dear Romania and the international discredit of the whole Romanian nation and the smears against our great leader of our homeland comrade Ceaușescu and the whole Romanian leadership has continued.

Certain countries interfere in the internal affairs of Romania and endanger the revolutionary socialist achievements and endanger our socialist state. Our beloved Romania has always strived that those who live in Romania should have the same rights and obligations. It must be accepted that people living in Romania are Romanian citizens regardless of their nationality.

The party and state leadership of the People's Republic in Hungary are pursuing a nationalistic policy. The political leaders want to create a distraction from the serious economic and social problems of the country. They do their best to discredit socialism building Romania before the international public with falsehoods. The Hungarian leadership also misinforms the Hungarian people about the real conditions in Romania, on the rights and the life ethnic minorities of our country and they portray a false account of our resettlement program.

Suffice it to say that the Hungarian People's Republic's economy is burdened with high debt, some 19 billion dollars that at this moment it is unable to repay. The country sustains itself by borrowing. The economic development of Hungary is far behind Romania's achievements.

Hungarian goods cannot be sold abroad, the Hungarian technology, chemical industry and other branches of industries are completely outdated. The exchange of goods has been the characteristic of the Romanian-Hungarian commerce for a long time. It is only due to the understanding of Romania and the patience of Comrade Ceaușescu that Romania is willing to buy low-quality products from Hungary.

Henceforth the economic relationships will have to be revised. Romania cannot endlessly sacrifice its economy to help a country that

permanently violates the rules of cooperation, a country that is encouraging Romanian citizens to leave their homeland, encouraging the Romanian workers to act against our beloved homeland and discredit Romanian socialist achievements abroad.

The chauvinist leaders of Hungary, instead of solving their own social problems, interfere in the affairs of neighbouring fraternal socialist country, under the leadership of the great builder of socialism, son of our beloved homeland and the people, Comrade Ceaușescu. The Hungarian leadership also denigrates the Romanian nation.

The Hungarian government calls the criminals escaping from the rightful fury and punishment of the Romanian people refugees. At the same time, the Hungarian Government keeps secret that thousands of Hungarians citizens search for asylum abroad and request political asylum in other countries, without intentions to return to Hungary.

Certainly, we cannot and do not want to solve the internal social crisis of the People's Republic of Hungary, but we expect the Hungarian government to solve these issues within their own country, and they should not be involved in the Romanian nation's revolutionary building of socialism. That is why we, at international forums, such as in Vienna, declare that all states should solve their own problems, and states should be banned from interfering in the internal affairs of other states.

Hungary makes territorial demands on our beloved homeland coupled with concern about the situation of our Romanian workers of Hungarian nationality. The chauvinist leaders of Hungary also keep it secret that there are ancient Romanian territories and what is more, also in the territory of Hungary, Romanian towns and townspeople.

If someone could have territorial demands, then it would be our dear homeland, Romania; but we do not speak about these rightful demands for the sake of friendship and the peace of neighboring peoples. But we are always ready to defend our socialist achievements against aggressors, with arms if we must. We are not afraid of threats, particularly not in the use of military force. The Hungarian attempts to conquer territory are condemned to failure. It does not only derive from the qualities of the Romanian National Army, but also from the high-level preparedness, commitment and patriotism.

We have the appropriate information about the fact that based on their equipment, the Hungarian Army can be called modern, but in its thinking it, morally, is still at the level of Horthy's army, and as for its human material, it is far behind our National Army. The Hungarian military leadership is bland; alcoholism has reached critical levels.

The only military force that can be called modern is the Hungarian air force, although the airplanes are getting older, and there is no money to replace them. At the same time, the homeland air force of our beloved homeland Romania has the equipment to defend our national air space.

The Romanian national army will undertake enormous tasks in the forthcoming resettlement program. On the one hand, in conformity with regional development regulations, our units will participate in the creation of newly designed functional districts; on the other hand, they will participate in the planned transfer of residents, assisting to convert the newly freed areas for agriculture.

The resettlement program begun on 1st June (of 1988) must be accelerated in every area. All assistance and support must be provided to the individuals and organizations that were appointed by the central administration to carry out the required tasks. The Presidential decree clearly determines the tasks.

Within the territory of the county, the following tasks are to be done apart from the already mentioned:

- Early registration of the population (composition of families, age, occupation, nationality, qualification, social status, etc.)
- Estimating the required labor force, occupational distribution and evaluation of requirements.
- Definition of the new functional districts. Estimating the requirements of skilled labor, with special attention to industrial capacity.
- To achieve the goals of the project, residents need a structured reorientation. In this task local People's Council and the emerging new People's Councils and divisions of Party organizations will have a special role. The police will be in charge of public order.
- The new building area must be secured and the dismantled area must have protective measures to avoid encroachment during the building phase.
- Each citizen has to be given a job somewhere in the country. With this step we want to guarantee each Romanian citizen the right to work. If the citizen does not want to take the assigned position, this does not exempt the citizen of the obligation to move to the designated residence. Refusal to move or placing stumbling block against moving endangers the great socialist transformation of our country, and requires appropriate measures on part of the authorities wish to accept the position granted to him or her, he or

she is not exempted from the obligation to move to the previously marked region and dwelling place. Denying moving endangers the socialistic reformation of our Homeland; therefore, the authorities are obliged to make the appropriate measures against it.

- Each citizen must be granted the chance to voluntarily undertake to move and accept a position, for a certain period of time, in the resettlement areas.
- Proper provision must be made citizens moving, including food supply and other social services (health care, school, kindergarten, etc.).
- Moving requests for multiple families is only possible within the framework of voluntary moving. In case of non-voluntary moving, we must insist on strictly adhering to the requirements of the economy and the regional experts. The proximity of relatives is not reason enough to ignore the strict principles of moving to the designated residence.

As for ownership matters, our guiding principle is that all land within the territory of our beloved Homeland Romania are state property; therefore, they are exclusively managed by the state.

As for the ownership and breeding of animals, a separate amendment of the decree will be drafted, considering the resettlement project and the formation economic areas. The areas have to strive to become self-supporting.

We have an enormous set of tasks before us – the creation of nearly 500 industrial agro-biological complexes – but this is endangered by the neighbouring People's Republic of Hungary by attempting to thwart the development our socialist society.

The chauvinistic Hungarian Government does not consider the reality of socialism, the fact that our dear Homeland Romania lead by its great and faithful son Comrade Ceaușescu is working on the realisation of a developed society. Nothing proves the anti-socialist nature of the chauvinistic Hungarian Government more than the fact that the heroic son of our Nation Comrade Ceaușescu, on occasion of his 70th birthday was awarded, on behalf of the Soviet party and state leaders, with the Order of Lenin. If the accusations about our beloved Homeland and its great leader Comrade Ceaușescu disseminated by the chauvinistic Hungarian political leaders were true, then he would not have been awarded with this order for building socialism. The award itself is the best example that the Romanian Government represents the socialist advancement, while the Hungarian leadership denies its greatness.

This is why the dialogue between the Central Committee of the Romanian Communist Party and the Central Committee of Hungarian Socialist Worker's Party will take place only if in the future the Hungarian leadership:

- Desists in a policy of humiliation the Romanian Nation and its leaders.
- Desists in the shameful forgeries of history
- Ceases the interference in Romanian national internal affairs
- Commits to stop disinformation about Romania in the Hungarian press and literature, banning all writings and articles humiliating Romania
- Accepting the fact that that Romania has jurisdiction over any Romanian citizens, regardless of nationality
- Repatriates Romanian citizens illegally migrating to Hungary without preconditions
- Repatriates Romanian citizens who travelled to Hungary with official travel documents, and after the expiration of such documents did not return to Romania
- Strictly abides by the Treaty of Friendship and other important international conventions related to Romania
- Withdraws declarations that are against general principles of peace and international relations
- Initiates legal proceedings against those that express hostility against Romania and the development of socialism by the Romanian people.
- Makes a commitment to strictly abide human rights and enforces them. Guarantees housing and jobs to all residents of Hungary until de Millennium.
- Solves the issue of alcoholism and drugs, and ends illiteracy
- Commits not to violate Romanian territorial sovereignty
- Commits to best practices in economic relationships and takes notice that Romania cannot henceforth support the troubled Hungarian economy.
- Desists interfering in the affairs workers of Hungarian nationality living in the territory of Romania, and takes note of the protest of the Committee of Ethnic Workers.

The nationality has been solved in the socialist Romania, since laws guarantee rights and the ethnic minorities can have their own journals, schools, cultural institutions and book publishing houses.

Under the leadership of Comrade Ceaușescu, the heroic son of our beloved Romania, exemplary cooperation developed with the workers of German nationality in Romania. Those who wanted to leave our beloved Homeland Romania could leave it on condition that the German State taking them will permanently contribute to their livelihood and that the state receiving emigrants pays to our homeland the social cost of services such health care and education.

We do not exclude similar mutually agreed upon solution for a determined number of Romanian workers of Hungarian nationality. Certainly, Hungary should defray with convertible currency the social expenses of each emigrant. The People's Republic of Hungary would provide proper jobs and housing for the immigrants. The Romanian contracting party should have access to the emigrants to ensure their welfare. Only under these conditions would the Highest Council consider taking away their Romanian citizenship.

The Romanian people have manifested great patience towards the Hungarian people under the direction the prominent personality of our Comrade Ceaușescu. We hope that the Hungarian leadership will finally recognise their mistaken policy and will cooperate with our people in the interest of social and economic progress and independent socialist development.

Both party and state leaders are responsible for their people, for history, and for humanity. Based on this, we cannot renounce from furthering our economic and social development and we cannot allow ourselves to leave the path of building socialism, the modification of our economic and regional landscape to allow the elevation of our people. This is why we have redouble our efforts to carry out as soon as possible the resettlement and economic plan. To achieve this we have to mobilize our people, our party so that we can stand up as one man for the sake of the flourishing of our beloved Homeland the Socialistic Romania.

Secretary General of the RCP
Central Committee of the RCP
Secretariat of the RCP

Classification Clause:

The material is top secret, made exclusively for the highest state and party leadership with a determined serial number, in a number of copies indicated below; therefore secrecy guidelines must be followed in handling this material.

‘Because the above cited documents were undated, we can have assumptions about it. On the one hand, the supplement refers to the fact that “the resettlement should be accelerated from the 1st of July.” By indicating the day, the report itself also refers to a date in July. However, it is precisely known that the report was on the agenda of a meeting chaired by the Hungarian deputy minister of interior on 20th September, 1988. After discussing the report, the chairman summed up the discussions. As for the political situation, he established that the opinion of various communist parties was not completely the same about ethnic issues, and added that the socialist camp is not completely unified in evaluating these matters.

“The interest of our policy – he added – is to prove the anticipated negative consequences of the policy of the Romanian party, but at the same time, it must do its best to build legal contacts for cooperation and to develop in the direction of mutual understanding. At the moment, the manifold possibilities of strengthening contacts and the examination of communication methods are the most important factors. In this case, it is natural that national security agencies become more active, but despite this situation, we must react to the events in a moderate and sober manner. Therefore, we should be informed about different political events, not only considering the state security aspect. We can help the political leadership if we exploit our multiple opportunities of information and explore the realities based on facts, providing a clear picture for the decision-making”.⁴⁷

After the digressing on the role of security agencies, it is worth continuing the exploration of the embassy report mentioned above that summed up the history of the village destructions in 1988 until the end of the year.⁴⁸

By the summer of 1988, conditions were ready to begin the resettlement program, international protests also grew. The Romanian government was forced to consider this fact, even if they have not given up their plans. The protests had its results, even if ending the program was not a realistic expectation. The Romanian Government changed their tactics in several steps. At least they attempted to make the project more acceptable, but later they extended the deadline for the initiation of the program.

47 Secretariat of Deputy Minister of State Security's Files HASSSA 1.11.1. 27. b. 45-13/13/a/1988. Budapest, July 1988, pp. 174-183.

48 The present situation of village destruction plans. Proposal of Ambassador Szűcs, Pál forwarded to Péter Várkonyi, Minister of Foreign Affairs. (A falurombolási terv jelenlegi állása. Szűcs Pál nagykövet felterjesztése Várkonyi Péter külügyminiszternek.) Embassy of the People's Republic of Hungary, Bucharest, 12th December 1988.

In July and August, the Romanian regime tried to make the “resettlement project” more acceptable in two directions. On the one hand, with the control of propaganda, they tried to influence public opinion in a positive direction. The county authorities attempted to gain the support of the population with differentiated policies and tried to silence the protestors. The press justified the historical necessity of the program, as a natural process. Although the acceleration of the process seriously burdened the state, it served the interests of the population. At the same time, the use of the word “destruction” was prohibited; only “modernisation” and “development” could be mentioned. Later, from September on, among the arguments cited was that they intended to stabilise the village population in place, providing appropriate educational, cultural and health services for them. Towards diplomatic corps they emphasised that the process is voluntary, constitutionality sanctioned, and that buildings can be dismantled only with the permission of the citizens, and the whole exercise serves a humane process. In county Harghita, the first copies of applications in which a Székely villager requested the dismantling of his house to be replaced by new modern town-like dwelling in the settlement. This process was boycotted in Cehetel, Simonesti, Tipari, Timis and Bodovice. Another method was applied in Bodos, a small settlement in county Covasna: the local People’s Committee “asked for” the elimination of the settlement in the name of the local population, saying that the village had no prospects for development. Nationalistic propaganda was used among the Romanian population of villages in the Banat region: “the forces of the Romanian nation broken up by history must be joined again.” In several places, those who refused moving to village centres were threatened with sanctions.

These attempts were shielded from the public, as also was kept from the public the intended deadline of mid-August to complete the resettlement project. In county Maros, they wanted to eliminate 266 villages from 487. According to the plan, 91 small villages also would be reduced to 76.

In county Harghita, from the 264 villages were listed 110 villages for destruction. This network of Hungarian settlements goes back to the 14th century, and the churches were built in the 14-15th centuries. According to the original plans, after completion, the list of villages to be destroyed would have been published, and the nationwide execution of the urbanisation project would have begun from September. Public notification was delayed as a tactical ploy.

The first information was leaked in August and stated that that destruction program would not be begin in September, and only the

building of agricultural centres would start this year with minimal disruption and without the use of bulldozers. However, these plans were also delayed. That is why dismantling or destruction works did not begin in Transylvania.

Another tactical modification was observable from September, of 1988 in parallel with the delay of the execution of the plans. It is imaginable that only the name of the centre will remain from the villages to be integrated, that is, the little settlements nearby will be attached to agricultural centres. These settlements can lose their name and live on under the name of the central village. For example, the name of Chiurus, the birthplace of Sándor Kőrösi Csoma would be attached to Brates, a village quite far from Chiurus, and the village will officially become a "street" of Brates. If small villages are then eliminated, it is not a settlement, such as Chiurus that will be eliminated, only a street.

This "rearrangement" would subordinate centuries-old Hungarian villages with very young Romanian settlements. According to the plans, the small villages Borosneu Mic and Dobolii de Sus belonging to the village Borosneu Mare will be attached to the township Valea Mare to be established. Valea Mare is a village with about 1,200 inhabitants, and at the moment belongs to the town of Intorsura Buzului. It is a completely newly established settlement inhabited by Romanian majority. Borosneu Mic has 500, Dobolii de Sus has 300 inhabitants, both of them are Hungarian villages. Borosneu Mic is one of the most ancient settlements in the region, Balázs Orbán indicates it in an article published in Székelyföld that the village was registered with 16 gates in 1567.

Another similar plan of "reattachment" betrays the same intention of Romanisation. The authorities are preparing to attach the villages Lisnau and Bicfalau from township Uzon to Dobirlau. Dobirlau is a village with 1,000 inhabitants, all of them Romanian, but it gained the rank of township a few years ago. It was established in a forest clearing location. However, Bicfalau was an independent parish already in the 14th century, and Lisnau is a similarly ancient settlement, both of them are inhabited by Hungarians.

Another possibility that may soon be introduced is the slow choking of the condemned villages. Schools, shops, health service and transport would be eliminated in these settlements, and no new building permits or restorations would be permitted. This is a tool to compel people to move in the newly established centres. In county Covasna, there were at least 30 such small villages.

By September, the press was given instructions to slow the propaganda effort. They did not have to write about the different phases of

the execution anymore declared by Ceaușescu. Later, 2010 was cited as the final deadline for completing the project instead of the previously indicated 2000.

At the full session of the Romanian Communist Party on 28-30th November of 1988, the secretary general was dealing with the village destruction plans relatively much. He emphasised that the plans must urgently be executed. In this sense, he strengthened the village destruction program. We can evaluate the situation like this, because the session passed the speech edited based on the “April Theses”. Ceaușescu in his April speech had spoken about the elimination of a few hundred townships and he said that it is necessary to eliminate 50 percent of the villages. He declared the plans must be finalized in a few months. The unchanged character of the final aim is indicated by the declaration in the speech given on 28th November that 558 agricultural-industrial centres would be established with the development of existing villages. At the same time – evidently for tactical reasons – he was speaking about the issues from different perspectives once again. He said that up to 1995 in the towns, and until 2000 in the whole country, in its main outline, the housing issue will be solved. Apart from his speech in March, he did not speak about the fate of the 13,000 villages, but only about the 2,300 townships to which administratively all the villages will be attached. Despite his speech given in April, he declared that the number of townships will be preserved, but he could do it easily, since if the village destruction project is completed, 6,000 villages will remain; that is, more than 2,300 townships. According to his declaration owners of houses outside the borders of the settlements do not have to destroy their houses, but new buildings can be built only within the borders. This also suggests a silent intention to go ahead with the village destruction project. In a village, a family can have a plot of 200-300 square metre, including the house, the courtyard and agricultural activities. These criteria can make for significant further changes possible, since there aren’t such small plots practically anywhere in the country. In the end, Ceaușescu said that the establishment of modern dwellings in the villages is an objective requirement to be provided by socialism, and he is convinced that serious steps will be taken in this field in the next decade. Ceaușescu spoke about assisting the population with building materials and credits, which reveals that the Government was aware that the available resources of the state are insufficient to carry out the resettlement plan and the population should take at least part of the burden.

In our opinion, the available record clearly expose the original intentions of the Romanian regime. It showed that it was not about a

withdrawal from untenable positions, but a tactical modification of the same. A decision was made about the application of deceptive methods and about delayed implementation of the project. Ceaușescu never said – although the deputation of the Christian Democratic Faction of the EU Parliament also encouraged him to do so – that he would give up on his plan of village destruction. When Ceaușescu was in power no decision was ever withdrawn; at best, some were not carried out.

Our main argument is that despite the many warnings, the village destruction project was not given up or withdrawn, and tactical steps did not deceive anyone in the rest of the world. We can also emphasise that Romania was also responsible for exaggerating press positions in the same way that was responsible for the original plans. Since they did not provide credible information and also refused any fact finding possibilities. At the same time, we have to bring to light other forcible and discriminative measures of assimilation against the ethnic minorities apart from the plans of village destruction, namely the cutback of native language education and the lack of cultural facilities, the exchange of population and the forcible relocation of students.

The popularisation of the program in the country or in Transylvania was conceivable. According to the regime's economic plan of next year, (which next year?) 40,000 dwellings would be built in a rural environment, and according to the five-year plan, this quantity of flats will be doubled. This number was taken over by the propaganda after the extended session of the CC of the RCP on 28-30th November of 1988.

The mentioned report stating that “only tactical modifications were introduced, the decision was made about the application of deceptive methods and the delay of the beginning of the project” was supported by the events that happened next year. It is not only about villages to be eliminated would not be destroyed, but they would let them perish “on their own. (Süle 1990) The political leadership applied ever-increasing manipulative means when they tried to make people leave their ancient settlements on a voluntary basis. In the first phase, village assemblies were convened, and these assemblies “democratically” voted the integration of neighbouring settlements in certain counties. The integration of the settlements of mixed population required separate tactics. The “interests of assimilation” could also be realised on the other way round; that is, also Romanian villages could be integrated into villages of Hungarian population. These times, the remaining Hungarian population was “attenuated” by changing the original ethnic composition. Furthermore, on top of this, the decision-making process does not

follow the stated guideline whereby economically weaker settlements should be attached to stronger ones.⁴⁹

The open anti-Hungarian foreign policy of Romania could not lead to open military confrontation due to the still existing, although weak ties of the Warsaw Pact⁵⁰, while Moscow finally gave up the intention “to at least preserve the traces of peace between the two countries”. (Rip 2006: 503) The deadlock of the conflict can be dated to the weeks before Ceaușescu’s failure. News of more or less reliability of Romanian army arrived in the entire year⁵¹, but all of this was overcome by information out of Budapest published in the Austrian press according to which Romania had been preparing for military action against Hungary in the autumn.⁵² The same information could be obtained by the Hungarian ministry of the interior when the ministry warned the Politburo of the HSWP⁵³ about Romanian preparations of military action against Hungary in a background report on 19th June 1989. The Hungarian minister of defense was afraid of similar conflicts: “With my colleagues we concluded that that Ceaușescu clan, to preserve their power, may decide on adventurous steps, and it is not even excluded that they will take some aggressive, provocative steps against Hungary.” (Kárpáti, 2000)

The negotiations between the Opposition Round Table and the Soviet embassy in the second half of 1989 were noteworthy events of this

49 The cessation of townships in Maros county (Maros megyei községek megszüntetése). Embassy of the People’s Republic of Hungary, Bucharest, 10 May 1989. Declassified documents of the Ministry of Foreign Affairs 1989. NAH XIX-J-1-j. 77. b. 112/Szt/89.

50 Borhi, László: “It is Hungary’s duty to remain in the Warsaw Treaty – international connections of the changes in 1989 in the mirror of Hungarian sources („Magyarország kötelessége a varsói Szerződésben maradni” – az 1989-es átmenet nemzetközi összefüggései magyar források tükrében). Foreign Affairs (Külügyi Szemle), 1007. summer-autumn.

51 “After the rearrangement of the division of Moldavia that was done in the end of last year, in Transylvania where massive military forces were ordered from different areas of the country, the population gave information about military operations. At the same time, a serious number of reservist officers were called in.” HASSA Intelligence Reports. Romania in 1989 was planning a military offensive against Hungary. Allegedly they are convinced that they can quickly reach the line of the river Tisza unhindered before the Hungarian Army could mobilise its units in the Dunántúl region.” Daily Operational Reports, summarising reports 21 June 1989. HASSA 2.7.1. 062111.

52 Embassy of the People’s Republic of Hungary, Vienna, 3 August 1989. Secret Archives Files, Declassified documents, Austria 1989. NAH XIX-J-1-j. 20. b. Foreign Office 003390.

53 The proposal of the Department of International Party Relations of the CC of the HSWP forwarded to the Presidency about our participation at the session of the Political Negotiating Body of the Warsaw Treaty held in Bucharest. 30 June 1989. NAH M-KS 288. f. 59/1.

period. For the first time, Russian ambassador Boris Ivanovics Stukalin visited the session of the Opposition Round Table in the Parliament on 18th August 1989. He replied to the question about the Hungarian population across the border diplomatically, without mentioning any concrete information: "We have to admit that on ethnic issues many deviations from the Leninist approach, were in evidence mainly in recent years."⁵⁴ Two days later Ivan Aboimov, the Soviet deputy minister of foreign affairs met with the representatives of the Round Table. On behalf of the Hungarian Democratic Forum (MDF) Jozsef Antall drafted a statement that may seem strange today. It stated that, if Hungary were to remain in the Warsaw Treaty Organization, (WTO) it can be a guarantee against attacks from neighbouring states, and naming Romania he said that "the possibility of attack cannot be excluded".⁵⁵

The session of the Political Consultative Committee of the WTO held in July 1989 in Bucharest gave an opportunity for the Hungarian and Romanian party leaders to meet. Upon the request of then HSWP chairman Rezső Nyers, the meeting was considered an "unofficial negotiation of comrades", the proceedings of which were not published.⁵⁶ The chairman of the HSWP brought up the issue of political relations between Hungary and Romania. As he saw it, since the bilateral summit meeting of Ceausescu and HSWP secretary general Grosz in August 1988 in Arad, had failed to improve but, on the contrary, reached a low point. In fact, no proposals of the Hungarian side had been answered and all were ultimately rejected. The declaration on nationalities planned at the meeting of Arad was not prepared while the debate over the resettlement program had international repercussions and was continuing. "It is true that this is a Romanian internal affair – Rezső Nyers added – but it generates nationality problems in nationality areas, transcends our borders and worsens our relations."

Ceausescu responded in a sharp tone by saying that Romania was an independent socialist state that solved its problems on its own. On this basis, the Romanian government would not permit the presence of

54 The session of the Round Table of the Opposition, the visit of the ambassador of the Soviet Union 18 August 1989 (Az Ellenzéki kerekasztal ülése, a Szovjetunió nagykövetének látogatása 1989 augusztus 18). In: The scenario of the change of the regime. Round table negotiations in 1989 (A rendszerváltás forgatókönyve. Kerekasztaltárgyalások 1989-ben) Vol 3. (editor: András Bozóki), Magvető, 1999, p. 245

55 Memorandum about the meeting of Ivan Aboimov with opposition politician 17 October 1989. Declassified documents of the Ministry of Foreign Affairs, Soviet Union/1989. NAH XIX-J-1-j. 84. b.

56 Nyers, Rezső's report to the Operative Committee of Political Affairs 10 July 1989. HSWP CC Information Reports. 1980-1989. NAH M-KS 288. f. 11. 890708, pp. 213-219

an international control commission to monitor the resettlement program. In his view, this Hungarian initiative amounts to nothing less than a deliberate attack on the friendship of the two peoples.”

Regarding the resettlement program, Ceaușescu said that such phenomena can also be observed in other places. The program was started 20 years ago, with the aim of improving the living conditions of village residents. He agreed with an earlier proposal that a Hungarian delegation should visit Romania in order to study the issue as soon as possible. He pointed to the fact that it was the Hungarians who did not want to receive a Romanian counterpart delegation; at the same time, the Hungarians were emphasising the control functions of their proposed delegation. International visitor rules designate the host country as organizer of the visitor’s programs. However, the Hungarian delegation might visit counties with a Hungarian majority, but visitors should experience the entire territory of Romania. Romania “is one of the few countries” – declared Ceaușescu – where, in the widest sense of the word, there is native language education, local and national newspapers are published in the language of the nationalities as well as functioning theatres.” He called it strange that these facts were not known in Hungary, or if they were known, then the Hungarians distorted these facts. The Romanians would like, he added, “that Hungarian citizens of Romanian descent would enjoy the same rights as the nationalities in Romania.”

At the height of these inconclusive and essentially futile negotiations, Nyers commented that “along the Hungarian-Romanian border, tourists are literally undressed, and even the newspaper *Népszabadság* (the HSWP’s official organ) was confiscated. Such incidents were not present in any of our other borders. (...) We consider the restriction on *Népszabadság* contrary to principles of free movement.” Ceaușescu’s response contained the usual phrases: Romania could not allow the import of press material containing views with which we could not agree. “If *Népszabadság* publishes only articles about Hungary, then it will be allowed in Romania. But if it promotes ideas of western socialism, arguing for the supremacy of the west, then it would not be allowed in.”

Despite the above, at the session of the HSWP Politburo on 24th July 1989 decided that a delegation of the Hungarian Parliament should travel to Romania in the near future to study resettlement issues, and with a similar purpose, a Romanian delegation should be received in Hungary.⁵⁷

57 NAH M-KS 288. f. 5/1072.

Hardly a week later, the proposal went nowhere. On 3rd August 1989, György Fejtő received Romanian ambassador Traian Pop at his own request, and the ambassador handed to him the following memorandum from the Romanian Communist party and government:

The leadership of the Romanian Communist party and the government of the Romanian Socialist Republic considers the interview with Mihai, former king of Romania aired in the program "Panorama" of the Hungarian television on July 31st as an anti-Romanian, anti-socialist and fascist provocation, and a direct attack against the independence and sovereignty of Romania. In view of the nature of this action the leadership of the Romanian Communist party and the government of Romania vigorously protest to the leadership of the HSWP and the government of Hungary. At the same time the Romanian side wishes to convey that the following:

Romania withdraws the invitation for the visit of a Hungarian delegation to Romania.

The Romanian Ambassador to Hungary is recalled for consultations.⁵⁸

The continuing propaganda war evidently contributed to a darkened mood in Romania and helped reinforce reasons for not leaving the country, even illegally. This is why new regulations ostensibly issued to protect Romanian borders, but actually to stem illegal border crossings, caused an outcry in public opinion, but also in the Bucharest diplomatic corps.⁵⁹ The state council of the Romanian Socialist Republic in the middle of July (official bulletin 26. 17. 07. 1989.) with a decree No.170/1989 issued regulations regarding the use of weapons, munitions and explosive material in the border areas. With additional decrees, the regime issued regulations modifying earlier border control operations and conditions governing the use of firearms.

The Hungarian embassy's reaction to the new regulations was that in comparison with previous regulations, it was clear that Romania became even more stringent regarding restrictions in the border zones. By building the 'fences', Romania increased its isolation from the outside world. By increasing the restrictions of freedom of movement and tightening up the rules of transit made more stringent an already over-regulated border transit system affecting the resident population. The

58 Fejtő, György's report to the members of the Operative Committee of Political Affairs about the negotiations with the Romanian ambassador.

59 The execution of the Cabinet Directive about the defence of the borders of Romania. Embassy of the People's Republic of Hungary, Bucharest, 10 September 1989. Declassified documents of the Ministry of Foreign Affairs 1989. NAH XIX-J-1-j. 76. b. 171/Szt/89.

new ones did not define border crime, but it stated that “if the subject persecuted in the zone has committed a serious crime earlier and crossing the border would cause extraordinarily serious danger, firearms can be used against them.” This, in the last resort, meant absolute freedom in the use of firearms. These measures only strengthened the probability of the rumors that the cruel Romanian police and army would want to commit murder to prevent the flight of refugees into Hungarian territory. Such stories were not alien to public opinion, and the press was especially fond of publishing alleged or actual stories like these, some of which elicited international interest.

Instead of an Epilogue

The sources cited highlight the fact the complex problems associated with the migration process are truly a big challenge to both the Hungarian political leadership as well for all organizations, whether of the state or not, that participate in the execution of the relevant tasks. We can see today in the resolution of these tasks that changes in regulatory systems and institutional techniques, and perhaps even more the legal culture, are a little ahead of the changes in other areas of transformation of the constitutional state. This, of course, is related to the fact that the effective and humane management of refugee affairs was adapted to the prevailing legal order in harmony with the international human rights norms. At the same time we should be mindful of the fact that when the prevailing political interest demanded it, then, and depending on the situation, the application of the (international) legal standards could be placed in brackets.

But the international influence did not prove to be one-sided; hence, the experience was also useful the other way around. The appearance of Romanian refugees in Hungary and the solution of their situation is almost a model tableau for the new migration wave that started in the 90's, after the collapse of the communist system, already from 1988 onward. Therefore, those experiences learned Hungarian solutions strongly contributed to the fact that the Western European countries received the migration wave in a relatively – though with delay – more prepared manner. Finally, in spite of the various mistakes and occasional failures, the newly formed migration system answered unknown before challenges with essentially operational solutions more than 20 years ago.

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Religious Aspects of International Terrorism

Abstract

The paper discusses interconnections between terrorism and religion. In its first part, a working definition of terrorism is given, differentiating it from the other types of political violence. The second part is focused on religiously motivated terrorism. The paper questions some popular opinions, such as anti-modernity of religious violence; specific proneness of Muslims to terrorism; incompatibility of religion and terrorism. The article states that terrorists are sincerely motivated by religion and not simply using religion to conceal their selfish ends. This part also dwells on specific rationality of religious terrorism. The third part deals with terrorism of millenarian religious groups, such as Aum Shinrikyo, "Order of the Solar Temple", and others. The paper concludes that terrorist activities of such groups are driven by their theology dating back to Gnosticism.

Key words: terrorism; religion; terror; political violence; fundamentalism; amateur terrorism; millenarianism; eschatology.

Definition of Terrorism

Analysis of international terrorism is difficult due to the complexity of this phenomenon. Primarily, no terrorist in the world would accept to be labelled as one. A greatest Anglo-American terrorism researcher Bruce Hoffman (former director of the Centre for the Study of Terrorism and Political Violence in Scotland) writes that "terrorists perceive themselves as reluctant warriors driven by desperation.... A communist or a revolutionary, for example, would likely readily accept and admit that he is in fact a communist or a revolutionary... The terrorist,

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by contrast, will never acknowledge that he is a terrorist...” (Hoffman 1998: 30). Therefore, on the determination of the notion of terrorism there was formed an atmosphere of double standards and mutual accusations. There are definitions of terrorism that involve six or more different characteristics. From the scientific point of view such definitions are unproductive because they do not reflect the necessary and essential features of the phenomenon.

American scholar Alex Schmid analysed these definitions and clarified that they had the following determinants (Ibid: 40):

“Violence, application of force” – in 83,5% of cases.

“Political” – in 65% of cases.

“Cause fear, terror” – in 51% of cases.

These elements are the ones that should be taken into account in order to create the most compact definition of terrorism that reflects its necessary and essential characteristics.

By analysing different definitions of terrorism and known terrorist acts, we can separate the characteristic features of a terrorist act. A terrorist act is accomplished:

- By an organization, not an individual person. Bruce Hoffman makes a distinction between the terrorists and “fanatic killers” – even when the latter declare political goals. In his opinion, “to be qualified as terrorism, violence must be perpetrated by some organizational entity with at least some conspirational structure and identifiable chain of command beyond a single individual acting on his or her own” (Ibid: 42-43). Due to this, Hoffman does not enlist the murder of Robert Kennedy by Sirhan Sirhan in 1968 as a terrorist act, for Sirhan did not belong to any terrorist group, although he acted alerted by political motives.
- Against civilians (i.e. those who are not public officials or soldiers). If an act is done against a public official or the regular army, then it should be seen as an episode of guerilla war (that is why terrorists often call themselves “urban guerrillas”).
- Non-governmental groups. Terrorism should be distinguished from terror. Terror is implemented by the state against its own citizens through various agents of “force”. Sometimes the state seeks to mask its involvement in terror, creating the so-called “death squads”. This term, which grew out of the political practice in Latin America, is now applied worldwide to indicate the characteristics of groups, made with the secret support of the state, and often of the agents

of state bodies, which are activated in their “free time” (Sluka 2000: 1-45).

- With the wider objective than act of violence itself. A terrorist act is often understood in the context of the “message”, and some (e.g., the greatest U.S. expert on the topic Mark Juergensmeyer) use the term “theatre of terror”, underlining that a terrorist act is a statement which is submitted to a wider audience than its immediate target. “By calling acts of religious terrorism ‘symbolic’, I mean that they are intended to illustrate or refer to something beyond their immediate target”, writes Juergensmeyer (Juergensmeyer 1999: 123).

This brings us to the working definition of terrorism as a system of violent actions committed by non-governmental organizations based on political or ideological objectives. Terrorism is one of the many forms of politically motivated violence. In addition to killings and kidnappings of civilians, there are forms of political violence such as guerilla warfare, sabotage (destruction of buildings and property), politically motivated robbery (“expropriation”).

Terrorists should be distinguished, on the one hand, from the guerillas (insurgents), and on the other – from common criminals. The main difference between terrorists and guerrillas is that the latter carry out armed attacks against the regular army, not the civilian population. Also, traits of guerilla fighters (which are not present with terrorists) include their desire to conquer and hold territory. From common criminals terrorists differ in their ideological motivation. As Mark Juergensmeyer writes, “what puzzles me is not why bad things are done by bad people, but rather why bad things are done by people who otherwise appear to be good” (Ibid: 7). Numerous attempts to “criminalize” terrorism in scientific terms should be denounced, just as murders of public servants committed for lucrative reasons should not be equated with terrorist acts (See Витюк, Данилевич 2003: 18). At the same time, there is no sharp boundary between terrorism and a criminal offence. Terrorists can take advantage of criminals or their structures, and criminals are not strange to attach to themselves the halo of martyrs for the idea (e.g., sometimes murderers proclaim themselves as “cleansers of society”).

There are no solid boundaries between state terror and terrorism either. On the one hand, terrorism can take on a colossal scale, thus equating itself with state repression (e.g. terrorist acts of Islamists in Algeria in the early 1990s, when entire villages were razed to the ground). On the other hand, seemingly non-state terrorist groups may be secret creations of the state. For example, recently it became clear that many

well-known Protestant terrorists in Northern Ireland were actually agents of the British secret services. Be that as it may, the widely used term "state terrorism" is not accurate from the scientific point of view. One can speak of state-sponsored terrorism, but not of state terrorism.

In the operation of one and the same organization terrorist acts may be intertwined with guerilla war or a peaceful social activity. Then it would be more appropriate not to speak of "terrorist organizations", but rather of "organizations engaged in terrorism".

Phenomenon of Religious Violence

For a long time terrorist motivation was of ideological type (ideological terrorists were populists, Socialist-Revolutionaries, European leftists, Colombian rebels, etc.). Significantly smaller scale of terrorist activity was acted out by various national liberation movements (e.g. Irish Republican Army). Even as late as 1968, among terrorist groups there were none which operated on religious grounds. But already during the 1990s, about one-quarter of active groups had religious motives (Ranstorp 1996). This change of mindset among the terrorists has occurred because of the massive disappointment in the secular ideologies (including communism), which had affected developing countries in 1970s, and by the end of the 1990s, the entire world.

Disappointment in the secular ideologies has led to the situation that the main beneficiaries of these ideologies (students, intellectuals) turned to religion, after which religions increasingly began to resemble ideologies – i.e. there was a politicization of religion. Researchers of political processes in the Muslim world assess, for example, that the Islamic revolution in Iran was carried out by no means by the clergy (if it is at all possible to talk about "clergy" in Islam), but by the religiously oriented secular intellectuals (Esposito 1992: 108). This is no surprise since it is exactly intellectuals who have the knowledge on how to govern states, lead revolutions, attract the masses to their side, and so on. Moreover, Iran, where the clergy (i.e., "*ulemas*", spiritual leaders), if not carried out the revolution, then at least headed it, is a unique case in the Islamic world. In all other countries (e.g. Algeria), Islamic movements were led purely by intellectuals, who have received Western or Westernised education (Keddie 1998: 715). John Esposito believes that the majority of Islamic political movements are now absolutely state-of-the-art in terms of management structure, ideology, and organizational principles, and that therefore it would be more correct not to tag them

as “fundamentalist”, as it has become ubiquitous in the press, but rather as “neo-fundamentalist” (Esposito 1992: 120).

Politicization of religion and the explosion of religious violence occur, thus, not in the traditional, archaic societies, where the majority of the population actively practice religion (participate in rites, cherish customs, and know the theological basics), but on the contrary, in societies that are highly modernised and secularized. The point is that the goal of politicization is by no means the return to the past times, or conservation of archaic elements of the present, but quite the opposite – an attempt to implement a successful modernization in its broadest sense (from economic to social and political modernization). If the modernization based on ideas of socialism and Western liberalism failed – to replace it comes modernization based on religion. As a result, modern terrorists rarely come from the ranks of uneducated peasants. Usually they are students or intellectuals, at that from well-off and well-known families (a typical example: Osama bin Laden, an engineer by training and a successful businessman). Religious terrorism literally “hijacks” cadres from the ideologically motivated, primarily leftist, radical movements – as Oliver Roy writes. “the same people who in the 1960s were the followers of Nasser or Marx, have now become Islamists” (Roy 1994: 4).

The very thought of religious terrorism can seem absurd to non-religious people (it is posited that religion is supposed to teach pacifism and compassion). However, in the religious justification of violence there is nothing that would be principally different from the ideological justification. Indeed, the ethics of most major religions includes the prohibition of murder, and calls for doing good, although any religion *per se* is a doctrine of salvation, not of ethics. It is exactly in the reference to the necessity of salvation of the soul that abstract ethical norms receive their concrete meaning. Due to this, as the great researcher of politicized religions Mark Juergensmeyer highlights, although almost all religions preach the virtue of non-violence, they always find room for sanctioning violence (Juergensmeyer 1993: 164). It is important to point out that political violence can occur within the framework of any religion. Nowadays, one hears and reads much about “Islamic terrorism”, but in Islam there are no specific dogmas which would make members of this faith more prone to violence than any others.

It would seem that religious traditions of Buddhism forbid all acts of violence – even annihilation of animals. However, Buddhists, including monks, do not reject religious violence, arguing that it is impossible to avoid in our amoral times (Ibid: 166-167). By designating their political

enemies as the enemies of religion, Buddhists thus gain moral justification for murder. A good example is the 1959 assassination of the Prime Minister of Sri Lanka by the hands of a Buddhist monk – a terrorist. In other religions, which in principle allow for violence, a similar step is even easier to make.

Christians also perform acts of religious terrorism. For example, in the United States each year several murders of gynaecologists occur as well as explosions at birth clinics, perpetrated by Protestant fundamentalists – opponents to abortion. Even as early as the work of the classic German political scientist Karl Schmidt shows that the well-known verse from the Bible, “love your enemies” (Matthew 5: 44, Luke 6: 27) should in no way be understood in terms of prohibition of religiously motivated violence. According to Schmidt, the true meaning of that quote is that we ought to love our own *personal* enemies (Schmidt 1992: 41). As for *political* enemies, the Christian ethic warrants no love for them, but prescribes fighting them. The fight may also be in the form of individual acts of terrorism. Therefore, Islam breeds no more or less political violence than other religions.

In terrorism in general, and in religious terrorism specifically, the main principle is motivation. It is not that terrorists use religion for justification of violent actions for lucrative reasons (this is particularly evident in cases of suicide terrorists). A true religious motivation can be discussed when an act of political violence is carried out for religious purposes exclusively. Juergensmeyer writes the following about religious wars: “These religious activities are not just political exercises justified by religion, they are perceived by the faithful as facets of a more fundamental confrontation. Conflicts of the real world are linked to an invisible, cosmic war: the spiritual struggle between order and disorder, light and darkness, faith and doubt” (Juergensmeyer 1992: 112).

In this cosmic, ecumenical war, the enemy is not a “political opponent”, but rather something so horrible that no sacrifice in the name of its destruction is excessive. From there derives irrationality of religious violence when victims are random people, but only at first glance, since in reality what unites them is belonging to a group that possesses the properties of the cosmic enemy. For example, in 1994 a Jewish settler Baruch Goldstein machine-gunned Muslims, who have gathered to pray in one of the mosques in Hebron, (29 killed, 150 injured), and was then killed by the angry mob. Sikh terrorists used a bomb to bring down an “Air India” airliner in 1985, (328 killed), and in 1983 suicide terrorists of the Hezbollah blew up a U.S. Marine barracks in Beirut, (241 killed) (Ranstorp 1996). In all three examples there are two traits that almost always accompany religious terrorism: the victims had done

nothing *personally* wrong to their murderers, and the perpetrators of the acts were willing to die in various manners, literally emphasizing their lack of lucrative motives.

Yet again, the religious consciousness refuses to accept the motivations of terrorists. Acts of violence are held to be absurd, irrational conduct. "How is it possible to kill people just because they belong to another religion?" Whereas for a religious fanatic that reason is probably the only justification of murder. In terms of religious motivated violence, Juergensmeyer writes that "any individual who belongs to a group that is considered a foe can rightfully become the object of violence, even if he or she is – a completely innocent passer-by. In such a cosmic war there is no such thing, here everyone is – a potential soldier" (Juergensmeyer 1993: 165). Notice that in the examples above and generally in the practice of religious terrorism, the victims are extremely rarely (if ever) truly random. They usually belong to a group against which (and not against concrete human beings) the terrorist act is directed. They may be Muslims, Hindus, Jews or American soldiers – but certainly not random victims. The impression of irrational acting occurs only because the victims were not *personal* enemies of the terrorists. However, we hope that what is written above clarifies the misunderstanding.

Moreover, in order to destroy the representative of "Universal Evil" (it does not matter whether it is one person or several), a fanatic terrorist commits suicide without thinking twice. From his, or her, point of view there is nothing absurd or irrational about it, and he or she is not any more irrational than a soldier who throws himself under an enemy tank with a bundle of grenades. Those who are in the tank are only guilty because they were born at the wrong time (and fell under military conscription), their death will not solve the course of the war, and the soldier will inevitably die. Yet, the soldier's conduct is entirely rational, even to non-religious people – since the tank was indeed destroyed, from an absurd action there is an actual result. For the religious consciousness, hell, heaven, the struggle between good and evil are as real as the tank. Religious terrorism is, thus, irrational only to a non-religious mind. The fact that terrorists go to certain death is completely reasonable from their point of view, as in most religious traditions it is believed that those who die for the faith go directly to heaven (even though they had not previously led a holy life in the generally accepted sense). Thus, in his actios, Islambouli (Anwar Sadat's assassin) started from a point of view that the grand prize for a believer is salvation for the sake of which one may kill, or be killed in the name of God (Alianak 2000: 289). Such views were expressed or could have been expressed by all known suicide terrorists.

“Amateur terrorism” and Millenarian Sects

Everything mentioned above refers to a form of professional or organized terrorism. Long it was the only known form of terrorism, except for certain, extreme examples of violence. Terrorist organizations were firmly structured with a fixed membership – a classic example might be the operation of Social-Democratic underground in Tsarist Russia. High level of organization and professionalism abundantly facilitated the work of the police after such groups were detected and arrested. Even during the 1990s, according to experts, in addition to a general strengthening of religious terrorism in the world, there was another significant change: what appeared is the so-called “amateur terrorism” (Chalk 2000: 23). Now terrorist acts are carried out often by people who either do not belong to any organization, or belong to a loosely structured community. Sometimes these are simply virtual communities, i.e. members of the organization never meet in person, rather only maintain electronic links. Sometimes there is no need for links – a lone person performs an action in his or her own fear and risk. In the case of an amateur terrorist act, “an act of terrorism is the result of personal initiative, even though in accordance with the political doctrine”, writes RAND Corporation expert Peter Chalk (Ibid: 24). Amateur terrorism is still dangerous, since in our times an individual can cause severe damage, even and when he or she possess no specific knowledge (all terrorist methods can be easily found out on the Internet).

It is obvious that no Islamic (usually a rigid structure), or “old” left-wing terrorist groups fall in the fold of amateur terrorism. This concept includes primarily various ultra right-wing organizations or movements that are concerned with one specific problem (e.g. the movement against abortion) and the so-called millenarian (apocalyptic) sects. The classic example of amateur terrorism is the explosion of a bomb at the U.S. federal building in Oklahoma City (on April 19, 1995, 168 killed, 500 wounded), planted by Timothy McWeigh and Terry Nichols, who held ultra right-wing views, but “officially”, did not appear to belong to any organization. Organizers of the the act were not professional terrorists and used home-made plastic explosives.

This article will primarily refer to millenarian sects, because their methods of religious violence deviate most profoundly from the ruling notions of rationality. Advocates of political Islam, ultra right-wingers, and opponents of abortion alike, in carrying out acts of political violence all aspire to one achievable result (even after several attempts).² It

2 Among other things, there are proofs that members of different sects do feel certain closeness among themselves. F.e. the Oklahoma City explosion happened on the day of

may be argued that it is a cruel thing to kill a doctor, but it may not be denied that the doctor will no longer perform abortions, and in this aspect the deed of the amateur terrorist – is entirely rational. It is precisely such motives that led the Jewish extremist Yigal Amir, the assassin of Yitzhak Rabin, the Prime Minister of Israel, in trying to stop the implementation of Rabin's peace plans (Alianak 2000: 287). We will once again stress that most religious terrorists do, at least to some degree, measure the extent of the violence they inflict with the desired goal.

Quite the opposite case is with the millenarian sects (the term comes from the notion of “millennial kingdom”). They are also called apocalyptic, as they oriented to the approaching end of the world and the annihilation of the mankind. These sects, experts say, “demonstrate proneness to unlimited, unrestrained violence, when a murder is often presented as a means to achieve spiritual enlightenment” (Chalk 2000: 27). From the sidelines, it seems that millenarian groups do not follow any rational goals, but that they only strive to the destruction of as many people as possible. Yet, as in the case of suicide terrorists, irrationality of these sects is only ostensible. Similar to violent actions of the Irish Republican Army, American abortion opponents and members of the organization “Army of God”, violent actions of the millenarian sects have perfectly defined conceptual foundations. Analysing their dogmatism and the way of life, we can conclude that all these sects, without exception, belong to Gnosticism, or “Gnostic religion” as some experts call it (Юнас 1998; Николаев 1913; Поснов 1917). As it is known, the Gnostics held the material world for the quintessence of evil, and the human body as a “prison of the soul”. In accordance with the views of the Gnostics, a man appeared as a result of a terrible error, when a part of the spiritual energy found itself locked in a material dungeon. The goal of the Gnostics, throughout the history of existence of this religious and mystical tradition was, on the one hand, the liberation of one's own soul from the bondage of the body (that is why they have practised mass suicide), and on the other hand – the destruction of the material world. Only in this way, in their view, could the fullness (Pleroma) of creation be restored.

Even now it is possible to clearly delineate among the Gnostic (or rather neo-Gnostic) sects those that are more oriented to their own destruction, and those which tend more to destroy others. In the former

second anniversary of the „Branch Davidians“ sect's suffering by the police (Ranstorp, M. 1996). It is possible also to underline the fact that this particular explosion should not be considered as a rationally justified one, as it was not directed toward some certain group (f.e. Afro-Americans) that is considered to be the enemy of the ultra-right wing supporters.

group are some well-known sects³ such as “People’s Temple” (1978, mass suicide in Guyana, more than 900 dead), the Branch Davidians (1993, USA – cult members killed by FBI, more than 80 dead), “Order of the Solar Temple” (a series of murders and suicides from 1994 to 1997, Europe, more than 70 dead). As pointed out by Italian researcher Maria Luisa Maniscalco, all these apocalyptic sects had been considered benign until the tragic events (Maniscalco 1997: 485).

The members of these sects, as well as the Gnostics of the past, had absolutely no appreciation of their life and attempted to separate themselves from it rapidly. Members of the “Order of the Solar Temple” (the teaching of this sect directly derives from Gnosticism, since its leaders considered themselves heirs of the Knights Templar) were convinced that death is only an illusion and that by abandoning their bodies they are to go to the star Sirius. Members of the American sect “Heaven’s Gate” also performed mass suicide believing that, having left their bodies, they would go aboard a spacecraft. Anyone familiar with the Gnostic tradition will recognize in these Gnostic beliefs without difficulty an echo of Gnostic representations of journeys through celestial spheres for the purpose of uniting with the initial world.

When it comes to other type of groups, i.e. those that are more inclined to destroying the material world, it is, for now, sufficient to mention only the “Cult of Supreme Truth Aum Shinrikyo”, created in 1984 in Japan. Aum is the only apocalyptic sect which has been proved to have carried out a terrorist act (releasing sarin gas in Tokyo’s underground transport system, in March 1995, 12 deaths) against random people who did not belong to any group. Beliefs of Aum carry a syncretic character and incorporate elements of both Eastern (Tibetan Buddhism, Hinduism) as well as Western religions, especially that of Gnosticism. The central idea of eschatology of Aum consists of the idea that a nuclear war will break out in the near future, in which the majority of the population would be killed, while a new, clean world would be populated by only members of the sect. Aum had managed to gain a relative international popularity, and an especially large number of supporters, more than in Japan, the sect gained in Russia.

After the commission of a terrorist act in the Tokyo subway by the sect, it had become clear that during the entire period of its existence (fore more than 10 previous years) Aum worked on making chemical and biological weapons with the aim of provoking a war between Japan and the United States, which should spread into a global catastrophe.

3 More precisely, the sects which became famous only after the atrocities had been committed.

The ministers of Aum had especially targeted recruits among students who study physics, medicine, biochemistry, biology and engineering sciences – we should remember that in the Islamic world exactly these categories of young people were eager to join Islamic movements. At the same time, legal and illegal purchases of components to make weapons were taking place. Specifically, in 1997, the head of Aum's "intelligence service" said that the technology for making sarin gas was purchased in Russia by a high state official (Chalk 2000: 18-19). Between 1990 and 1995, Aum performed occasional acts of terrorism using different toxins (botulinum, anthrax), which remained completely unsolved by the police. Only in 1995, the not entirely successful (from the sect's point of view, of course) sarin attack put an end to the unpunished, unlawful activity of "Aum Shinrikyo".

It is obvious that the apocalyptic ideas of Aum Shinrikyo do not contain anything original. Many existing sects share with Aum the intense expectation of the forthcoming end of the world, which will occur as a grand and generally non-metaphysical (often nuclear) war, after which the mankind will be destroyed, and only the members of the sect will stay alive to create a new and better world. However, it is considered that no other sect is carrying out active measures to accelerate the end of mankind. States and international organizations have no grounds to ban their activities, which are within the bounds of the principle of freedom of conscience, just because their catechism resembles ideas of Aum, Branch Davidians, or "Order of the Solar Temple"⁴ In addition, similar ideas are not openly advertised in some sects, rather it is necessary to pass several stages of initiation to be fully informed of them.

It should be noted that the originally Aum Shinrikyo was perceived as a "normal" millenarian sect, both in Japan and beyond, and that it had freedom to operate and propagate its ideas. In January 1994, an international conference entitled "Ecology and Religion" was taking place in Moscow, at which the representative of a Aum talked about how mindful the sect was regarding the protection of the environment (by the way, the millenarian sects are generally characterized by "environmental awareness" – some of them believe that the catastrophe that will obliterate the world would be an environmental one). In Japan, the organization has not been banned, it exists and propagates its ideas, having renounced all of its "destructive elements".

In all the millenarian sects (those mentioned or not), what is observed is a significant overlap of their dogmas and *modus operandi*.

4 Due to this reason the author of the text is not prone to mention the names of these particular sects.

First of all, as the researchers note, this is a clear separation (“cut off”) of members of the sect from the entire rest of the world, which is understood as something that has no meaning or value, or simply as the embodiment of evil. Therefore millenarian sects make absolutely no proportion between their goals and the number of victims. By the way, vehement conflicts between the sect and the surrounding communities is the basic trademark of the so-called “destructive sects”. For comparison, we mention that Christianity does not assume that the saved will be Christians and Christians only. Only God knows who is worthy of salvation. Sects, on the contrary, state that all members of the sect will be saved and only them. It is exactly from there that, in our opinion, the main danger of the millenarian sects comes, and not in their “totalitarian” or “destructivity”, since similar accusations can be made of any religion. Separation of members of the sect from the world, coupled with the reflected effort to initiate or cause global disasters – are a threat to global security, and are embodied by this type of sects.

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The Clash of Irreconcilable Worlds: A Critique of V.J. Vanberg's Thesis on the Complementarity of Liberalism and Democracy

Abstract

This paper represents a critique of Viktor J. Vanberg's thesis that liberalism and democracy are in some kind of natural symbiosis, owing to the same normative premise (individual sovereignty) and the same mode of relation (voluntary agreement) present among members of hypothetical social contract. This thesis is shown to be incorrect on two principal levels of investigation: level of abstract/normative analysis and level of history of relationship between liberalism and democracy. Vanberg's treatment of the issue has several theoretical deficiencies: generally problematic positioning of liberalism and democracy, inappropriate mixing of normative level with methodological one, and narrow use of the notion "voluntary agreement". Furthermore, historical experience of relationship of liberalism and democracy presented within this paper, documents that this relation should be explained in terms of struggle over dominance, rather than in terms of peaceful coexistence and natural symbiosis. The intentions of the critique of Vanberg's attempt to "reconcile irreconcilable" is not just to present misguided arguments of this author, but also to show that, generally speaking, liberalism and democracy are two irreconcilable worlds and two more than different political philosophies.

Key words: Laissez-faire liberalism, democracy, individual sovereignty, voluntary agreement.

The opinion that "liberal democracy" is the most preferred political and social system of organizing ever can be heard very often today.

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Schools, the media and universities teach that specific and long historical development is responsible for creating the “best mix” of social and political components, the so-called “liberal democracy”. Most of the developed countries in the Western Hemisphere are liberal democracies, and the vast majority of former real socialist countries struggle to reach the standards of the consolidated democracies of the West.² According to this understanding, liberal democracy seems to be the product of a historically necessary development – led by efforts of an “adult” mankind evolved from “prolonged childhood”, a process to which the symbolic point was finally put on by the theoretical declaration of Francis Fukuyama on the “end of history”. Therefore, considering this basically positive evaluation of liberal democracy and an optimistic vision of its future, understandably, the concepts of “liberalism” and “democracy” are considered very similar ideas, they are seen as complementary and together they form, in a deep sense, a “natural” symbiosis.

The fact of domination of liberal democratic model itself does not, however, lead to the conclusion on the internal compatibility and complementarity of liberalism and democracy. According to the understanding expressed in this paper, there are two relevant approaches based on which light can be shed on their relationship. The first one, concerned with the historical context, with how the relationship of liberalism and democracy occurs and is operationalized in the practical sphere – in fact, the nature of the real form of this relationship, and the second one, concerned with what liberalism and democracy as ideals mean, i.e. what we awarely, or (more often) unawarely mean by them, and how these concepts are understood in philosophical discussions and political theorists’ works.

Many difficulties in understanding this relationship are just the result of inconsistent application of either approach. It is often the case that when it comes to the normative component of democracy, people actually have in mind only some of its historical forms. Or, conversely, one can speak of the normative dimension of the problem without taking into consideration historical experience of modern democracies.

Clash of two worlds

The historical course of development of modern democracies documents a special dynamics of the liberalism-democracy relationship,

2 This, according to many, is the primary goal of social upheavals and revolutions named “African spring”.

and to the detriment of the first. Namely, once the democratic principles take root (by expanding the voting rights from members of certain social groups to all adult members of society – universal suffrage), then its logic leads to the reduction, restriction or even abolition of the validity of liberal political institutions.³ For the logic of the majority rule based on universal suffrage leads to the expansion of the democratic decision-making principle to those segments of the public and private life that have traditionally been protected by liberal political institutions, and generally questions, and relativizes the civilizational distinction private/public (Pešić, Novaković 2008: 87). As a rule, this leads not only to a change in current policies, but also to legislative changes, even a change in constitutional arrangements.⁴ The main characteristic of the domination of the democratic principle is reflected in the increase of the state bureaucracy, actually increase of the state as such.

The disappearance of the traditional monarchical system of government in most countries of Europe after World War I and the establishment of the republican model of parliamentary elections and universal suffrage had as its primary result the expansion of government/bureaucracy⁵ and the increasing influence of the state in sectors that traditionally had not been covered by the sphere of public policy. Compared to earlier monarchical systems, a modern democratic state generates massive expenditures – unprecedented for monarchical systems, even

3 “It seems to be the regular course of the development of democracy that after a glorious first period in which it is understood as and actually operates as a safeguard of personal freedom because it accepts the limitations of a higher *nomos*, sooner or later it comes to claim the right to settle any particular question in whatever manner a majority agrees upon.” (Hayek 1998: III, 2) Also: “... if the prospects of individual liberty are better in a democracy than under other forms of government, this does not mean that they are certain. The prospects of liberty depend on whether or not the majority makes it its deliberate object. It would have little chance of surviving if we relied on the mere existence of democracy to preserve it.” (Hayek 1960: 109). These two quotes, especially the second one, refute Paul Gottlieb’s thesis that “Hayekian democracy is a super-added merit that enhances without changing substantively what it touches” (Gottlieb 1991: 4), although they do not refute the reasons for which, according to him, Hayek accepted democracy.

4 One of recent attempts at abolishing the remains of the liberal order within the ruling paradigm of liberal democracy (or welfare state) is the project of “multiculturalism”. A prominent theorist of multiculturalism Will Kymlicka advocates the extension of the classic “core” of liberal rights to new creation of a special “corpus” of rights, conditioned by democratic development. (Kymlicka 1996). Such an expansion according to the author of this paper is nothing more than their abolition for the ultimate holder of rights cannot be a group, but only an individual (Novaković 2010).

5 About this Norberto Bobbio says the following: “All states which have become more democratic have simultaneously become more bureaucratic, because the process of bureaucratization is to a great extent the consequence of the process of democratization.” (Bobbio 1987: 38).

in wartime.⁶ The expansion of the share of government employment (model of government as the primary employer),⁷ and the introduction of new types of taxes and tax strategies, are brought about by new democratic republics, due to which the philosopher Peter Sloterdijk refers to the modern state as the “state of taxes”, *Steuerstaat*, (Sloterdijk 2009). Circle of government supremacy over economic and social trends was closed with the last major interventionist step – the abolition of the gold standard and the introduction of state money. This kind of economic innovation opened the door widely not only for greater control over monetary policy but also for implementation of very popular mechanisms for staying in power today: funding of consumption out of non-existent sources and state borrowing (Hoppe 2001: 62).

Shrouded in an attractive robe of the “welfare state” democratic republicanism conquered Europe, the United States and other countries in the period after World War II. It was presented as a middle ground between “unbridled” *laissez-faire* liberalism and extremism of the socialist central planning. Using the democratic procedure and by applying Keynesian principles, the welfare state expands its role in the society, especially in the sphere of economic life. The state becomes the “mother of all mothers” taking care of everything, from education of the youngest members of society, their upbringing by its model, to employment and ensuring their future. In economics, this surrogate mother practices the strategy of “public work”, “general employment”, “minimum wage”, i.e., everything that the classical liberal order leaves to a spontaneous game and voluntary arrangements of stakeholders in the market. Guided by the idea of “social justice” and “equality”, the welfare state increases its range to a degree it can no longer sustain. At the end of the seventies of the previous century, it experienced a serious crisis, a collapse in fact, from which it could only be saved by returning to old wisdoms, by the application of measures of restriction and reduction of the state apparatus and restoration of the concept of minimal government that occurred in the late eight-

6 Total government expenditures up to World War I had exceeded 15% of GDP only during the war. During the interwar period it increased to about 20-30% of GDP, only to increase to as much as 60% of GDP in the postwar period (Hoppe 2001: 55).

7 Based on data obtained by Peter Flore and to which Hoppe also relies in his analysis of democratic republicanism, an increase in the share of government employment of labor ranged from 3% until 1900, 8% in the interwar period, up to 15% in the postwar era. From these statistics the following are excluded: military personnel, health professionals, social institutions and social security agencies, as well as nationalized industries (Hoppe 2001: 56). It is clear that with these excluded categories the percentage increases well above 15%. This is confirmed by the OECD report according to which state employment in some European countries includes the whole 30% of the total workforce (OECD 2008).

ies of the twentieth century owing to reforms of Margaret Thatcher in the United Kingdom and Ronald Reagan in the United States.⁸

This historical development shows that liberalism and democracy are not only incompatible, but are mostly *de facto* opposed. The increasing development of democracy and expansion of the impact of democratic institutions has led to the elimination and bridging of liberal restrictions regarding public decision-making.⁹ The fact that observable reality of everyday life refers to the idea of conjunction of two apparently idyllic natural allies says nothing about the essential connection between two different ideologies and political ideals itself, but is actually the result of the victory of the democratic idea, that by the power of its appeal and an aura of moderation compared to radical demands of the Left, and “inappropriate” conservative elements of liberalism,¹⁰ presents a rolemodel equally strived to, each for their own reason, by political elites and citizens.

Ideals of liberalism and democracy

The definition of “democratic ideals” (or a range of content of the term “democracy”) at the normative level represents a particular problem. On the other hand, it appears that there are no cardinal and fundamental disagreements about determining the meaning of the “ideal” of liberalism, and that, at least, there is a general, but in theoretical sense functional consensus on this issue.¹¹

8 That these reforms were still partial, although effective for countries in question is shown by the latest world economic crisis. Reforms of the eighties only temporarily halted the trend of increase in government expenditures and borrowing practices, a trend that continued when the first results of the same reforms brought economic benefits to the leading Western countries. For the causes of the crisis that are seen in an excessive state intervention and regulation motivated by economic populism of the leading world power, see the article “Capitalism and the Crisis” by Miroslav Prokopijević (Prokopijević 2008).

9 The democrat Bobbio agrees with this and concludes: “What I am concerned to do here is to highlight the fact that though democracy has, for the last century at least, been considered the natural progression from liberalism, the two ideologies prove to be no longer compatible at all once democracy has been taken to its logical extremes as a mass democracy, or rather as a democracy of mass parties, so as to produce the Welfare State.” (Bobbio 1987: 114).

10 Without engaging in the debate here on the relation between liberalism and conservatism, it should just be noted that “the conservative” element of liberalism can only mean that, based on liberal principles, the possibility that the form of government in its character was conservative (monarchical type of government, for example) cannot *a priori* be excluded, which certainly does not follow from democratic principles.

11 In this paper the word “liberalism” in fact implies the entire intellectual tradition of “classical liberalism”, and the word “liberalism”, at least here, in no way is to be confused

In contrast to the democratic ideal, the historical operationalisation of which contributed to the complexity and the difficulties in understanding its basic assumptions, the historical context of the development of liberal ideas and their implementation since the “Glorious Revolution” (1688), as well as its theoretical interpretation since the works of John Locke, until today, has pointed to a certain semantic set that has been largely accepted by the very colorful interpretations within liberalism itself. This primarily refers to several main units of meaning that occur when using the word “liberalism,” such as the idea of individual rights, the rule of legitimate law, free market and minimal government. What makes liberals differ from one another is only a question of the scope of the state (as a minimal state), or, expressed in James Buchanan’s terms, understanding of the function of the “protective state” (Buchanan 2000: 88) as well as challenging the idea of the state in general (anarcho-liberalism). As opposed to this idea, the idea of the “productive state” (Buchanan 2000: 88) is generally rejected by almost all relevant theorists of liberalism.¹²

On the other hand, most liberal theorists understand democracy as a method or a procedure for exercising power (a form of government). Hayek argued that democracy is merely a means but not an end (Hayek 1960: 104), Mises sympathetically accepted democratic method as “a method for the peaceful adjustment of government to the will of the majority” (Mises 1966: 150) but also with a certain degree of caution.¹³ Even the radical liberal Murray Rothbard, in Hoppe’s opinion, “had a soft spot for democracy” (Hoppe 2001: XXIII). When democracy is understood only in the procedural sense, from the perspective of these theorists, it can have positive effects and may be acceptable, at least in

with the meaning of domesticated today, that includes semantic set built after the model of the political theory of John Rawls, which is contrary to what “liberalism” traditionally means.

12 It is therefore clear that in this category it is difficult to classify authors like John Stuart Mill, who openly supported the idea of “a productive state”, both in his famous essay *On Liberty* (Mill 2007) and elsewhere.

13 The following Mises’s words confirm it: “Always and everywhere Liberalism demands democracy at once, for it believes that the function which it has to fulfil in society permits of no postponement. Without democracy the peaceful development of the state is impossible. The demand for democracy is not the result of a policy of compromise or of a pandering to relativism in questions of world-philosophy, for Liberalism asserts the absolute validity of its doctrine. Rather, it is the consequence of the Liberal belief that power depends upon a mastery over mind alone and that to gain such a mastery only spiritual weapons are effective. Even where for an indefinite time to come it may expect to reap only disadvantages from democracy, Liberalism still advocates democracy. Liberalism believes that it cannot maintain itself against the will of the majority;” (Mises 1951: 83).

its limited, partial form. Namely – through the idea of minimal government and clearly demarcated decision-making public sector.¹⁴

Thus, it is necessary to see how the ideals of liberalism and democracy are embodied. This is not an easy task and the matter is seemingly facilitated by the existence of a general consensus among theorists, based on which it follows that these two are completely different things. Even many modern advocates of democracy – largely approaching the basic standpoint of socialism, agree that for its functioning at least one set of political legacies of liberalism in the form of the core of basic civil rights is necessary. Some researchers of the concept and practice of democracy, such as Frank Cunningham for example, believe that democracy should be understood as “liberal democracy” which, depending on the circumstances and preferences can accept either socialism or capitalism as “alternative economic systems” (Cunningham 2005: 46).¹⁵ All this indicates that supporters of democracy (and democratic socialism) imply that generally, these two terms are different and cannot be identified. As we have seen, this view is also shared by liberal theorists.

Reconciling the irreconcilable

However, Viktor Vanberg, a follower of ordoliberalism, tried to challenge this almost idyllic picture of the scientific consensus, presenting the thesis that liberalism and democracy are not only compatible but also “complementary” terms (Vanberg 2008: 139). Here I will expose in more detail the arguments he uses to prove this statement, and thus also answer the general question of relations and possible “complementarity” of the two notions.

Namely, as an ordoliberal, Vanberg points to a segment of the liberal tradition, and those liberal authors who belong to it, in order to confirm his thesis on the “complementarity” further, especially the works

14 Favorable attitude of prominent liberal theorists regarding democracy can be explained with appealing connotations (of equal participation in the public sphere of politics, gender equality, “civilization” achievements of “equality”, progress, even the pathos of progress of the Enlightenment, etc.), the popularity that democracy has widely gained, especially in the twentieth century, and also with “a strategic response to an accomplished fact,” as Paul Gottfried noted (Gottfried 1991: 4). Namely, as a result of actual dominance and victory of democracy in XX century.

15 It seems, generally, that all those who like to declare themselves as “liberal democrats” (such as Ronald Dworkin and Robert Dahl) adopt only a set of political rights and freedoms, as one component of liberalism, while rejecting the idea of a “free market” with which the original liberalism is inextricably linked. For further details see Bodrožić (2005) and Boljević (2005).

of Friedrich von Hayek and prominent representatives of the Virginia school, Gordon Tullock and James Buchanan (especially their views expressed in the classical representative of public choice philosophy, *The Calculus of Consent*). Pointing to their favorable attitude towards democracy, by which it appears that democracy is a necessary (but certainly not sufficient) condition that guarantees preservation of individual freedoms, Vanberg tries to substantiate his thesis by pointing out not only the character of the relationship that is a consequence of actual cohabitation of the two “irreconcilable things” (on which, it seems, Hayek based his understanding of democracy (Hayek 1998: III, 2), but, by going further, refer to the insight by which their basis is one and the same. He says, “that both ideals are founded ultimately on the same normative premise, the principle of individual sovereignty” (Vanberg 2008: 140).

In order to establish the idea of the identity of the root of the two phenomena with different manifestations of the event, Vanberg indicates the necessity of not treating the issue of the relationship of liberalism and democracy as it is usually done in the classical liberal discussions, namely, by pointing out the importance of private autonomy based on the institution of the rule of law, but that it is important to make the transition from, how it might be said the “objective level” – the level of institutions and their functioning, to the “meta level” of the discussion – the level of considering basic rules of the game, the constitutional plan. With this move Vanberg approached contemporary contractarian theorists such as authors of the Virginia school, and the ideologist of “modern” liberalism,¹⁶ John Rawls.

The methodological maneuver of the change of the consideration level allows Vanberg to, together with these theorists, start from the “individual sovereignty” as a basic methodological unit, so that he could, with the help of a few assumptions, especially the assumption of “voluntary agreement” contextualise the relationship of liberalism and democracy at the most abstract level. In doing so, the implementation and possible factual operationalisation on the basis of the assumed criteria are less important to him than the original hypothetical situation itself (*status quo*) and the assumptions that define it. Exactly these assumptions – individual sovereignty plus voluntary co-operation – refer not only to the classical interpretation of methodological primacy of the individual in social contract theories (Hobbes, Locke, Rousseau, etc.), but also inclusion of an additional element. This additional element represents the “democratic” upgrade of the classical liberal contracta-

¹⁶ A form of socialism, actually.

riansim. Namely, through the idea of “voluntary agreement”, Vanberg points to the same normative roots of liberalism and democracy. For if both liberalism and democracy are based on individual sovereignty, it is clear that the legitimacy of any agreement at the constitutive level (meta level) will rely on the principle of voluntary agreement of equal participants in the constituent game. This means that, firstly, the democratic ideal assumes individual sovereignty, secondly, that any legitimacy is founded on voluntary co-operation. The same can be said of liberalism; it also proceeds from the absolutism of the individual and the inviolability of the principle of voluntary co-operation as the foundation of any legitimacy. The point of difference between the two is not, according to Vanberg, their normative level, but the segment of different focus, as well as the segment of institutional development and implementation of ideals. Liberalism focuses on the preservation of private autonomy through the institutional arrangement of the legal order and the “specific systems of private law” (Vanberg, 2008: 152), while democracy focuses on the inviolable sovereignty of the citizen that only a posteriori enables engineering of political institutions of democracy.¹⁷ Vanberg names this interpretation of liberalism constitutional liberalism, distinguishing it from the “free market” or “private law liberalism” (Vanberg 2008: 143) and by referring to Buchanan, notes that such liberalism is “naturally ‘democratic’ (Vanberg 2008: 143).

Undoubtedly this latest attempt at “the reconciliation of the irreconcilable” is very attractive and ambitious. However, several important objections at the general level question the whole Vanberg’s strategy of “reconciliation”, but also point out important assumptions in thinking about the relationship between liberalism and democracy, which is crucial for this work.

At first it appears that Vanberg excludes some important authors and trends of the social contract theory without any explanation. Since his treatment of the relationship problem between liberalism and democracy is moving primarily at the constitutional level, it is logical to expect that he, at least in some sense presents his view of the theories (or trends within such constitutional deliberation) with whom he disagrees or that are irrelevant to the thesis represented. Instead, we get

¹⁷ “Majority rule and other institutions of democracy” (Vanberg 2008: 152). Thus, i.e., for Vanberg the question of majority rule (decision-making of the majority) and the issue of unanimity rule (absolute democratic consensus), are issues of indirect interest only, if keeping in mind the constitutive level of consideration. It follows that for him the procedural definition of democracy where it was a form of government (as is often the case when determining the meaning of democracy) is not relevant *prima facie*, but an abstract, constitutive plane is essential where the real meaning of the word “democracy” can be determined.

from him only the referral that the “liberals who focus on the issue of ‘how much government’ tend to pay little attention to the issue of how government should be organized” (Vanberg 2008: 141) as well as the in-principle rejection of anarcho-liberalism by reference to authorities Mises and Friedman. Based on this theoretical ostracism it can be concluded that most liberal theorists are not interested neither in the institutional issues (which can be partially accepted), nor the constitutional level of consideration (which can not be accepted at all). Vanberg does not even take into consideration the approach to the theory of social contract a la Locke, even in principle, and mentioning Robert Nozick and his capital contribution to contemporary contractarianism is out of the question. It is also indicative that his work is primarily engaged in “reading of F. A. Hayek and J. M. Buchanan,” while the paper shows that Vanberg actually mostly read Rawls, and even Habermas! (Vanberg 2008: 147, 153). In doing so, when considering Hayek’s attitude towards democracy he almost does not take into consideration the basic starting point and the guiding principle of Hayek’s political philosophy at all, namely his evolutionism and the idea of spontaneous order (*catallaxy*) that could initially respond to the question of the relationship between liberalism and democracy in his philosophy, but instead calls to those of Hayek statements pervaded with Hayek’s incomplete, confusing and generally speaking theoretically unfledged attitude toward democracy, and this position is used in support of his implicit thesis that Hayek was a “democrat”.

In order to prove his basic thesis of the normative identity of democracy and liberalism, Vanberg takes only what he needs from each theory, not trying to grasp a broader perspective standing in the background of each of them. For this reason neither his interpretation of Buchanan’s point of view seems appropriate to motives and intentions of the author of *The Calculus of Consent*. For without taking into account these elements the sense in which the authors of the mentioned book used the approach they called “democratic” cannot be adequately understood. Here is what Buchanan says about this: “In that book [*The Calculus of Consent*, ed. A. N.], Gordon Tullock and I indulged our fancies and deployed our professional talents in deriving a logically consistent basis for a constitutional and democratic political structure, one which seemed to possess many of the features of the polity envisaged by the Founding Fathers. We offered an understanding of the institutions that have historically emerged in America, an understanding that differs in fundamental respects from that reflected in the conventions of modern political science” (Buchanan 2000: 10). To understand this quote one should bear in mind the context in which it is written, and that was in the time of expansive growth of government

regulation in America, that slowly but surely changed the traditional order designed by the Founding Fathers.¹⁸ In fact, Buchanan's and Tull-ock's intention was to rethink the assumptions of the social order of the United States, to bring out these assumptions in order to stop the negative social trend. For these authors constitutional reform, therefore, is "as a means of limiting government" (Lee 1987: 334). However, when Buchanan uses the words "democracy", "democratic," he has in mind the existing order and the paradigm of the system as conceived by the Founding Fathers. The fact that at the same time he implies the identity of liberalism and democracy¹⁹ based on the performance of an actual (historical) model does not mean that these are the same things en general (that they share "the same normative premise"). In this case Vanberg also replaces two basic approaches (historical and conceptual, normative) to explain the relationships that we are interested in, from which it may follow that factual or historical cohabitation of liberalism and democracy implies their normative identity!

This "purified" interpretation of Hayek and Buchanan allows Vanberg to also introduce into consideration the theoretical work of John Rawls, whose contractarianism and methodological approach he not only approves of and a priori accepts, but also legitimizes by trying to present Rawls's problematic difference principle (Rawls 1999: 65) as something that necessarily follows from the principle of "justice as fairness", all in order to show that "they are all same at the top", namely Hayek, Buchanan, Rawls, even Habermas.²⁰ Viewed in this way, different theories of the new contractarianism are free of context and intention of the authors and are presented as "identical." What enables this identity is nothing more than the two above mentioned premises – the premise of individual sovereignty and the premise of voluntary agreement. Vanberg, therefore, refers to his vision of a hypothetical social contract in which the original citizens cooperative (Rawls's term) is, at a meta level, the meeting point and a symbiosis of liberalism and democracy.

Without the need to deny one thing everyone agrees on, and that is that the principle of voluntary agreement is unquestionable for liberal theorists, it should be noted that the case here is the one of substitu-

18 The book *The Calculus of Consent* was published in 1962, so at a time when J. F. Kennedy, perhaps one of the biggest proponents of the idea of the welfare state among American presidents (besides, of course, Jimmy Carter and Barack Obama), was sitting in the Oval Office.

19 "Yet I remain, in basic values, an individualist, a constitutionalist, a contractarian, a democrat – terms that mean essentially the same thing to me." (Buchanan 2000: 11).

20 To what he could be responded in Hegelian fashion that it is not "the top" but "the night in which all cows are black".

tion of theses and conceptual reduction applied by Vanberg in order to strengthen his basic thesis. Namely, the idea of “voluntary agreement” originally precedes political ideologies of any kind, including liberalism and democracy. It primarily refers to a mode of behavior typical of human relationships in general. Therefore, voluntary agreement is something that precedes every ideology and every politics. To identify the principle with the democratic principle in advance is to accept a very reduced and generally problematic anthropology, the roots of which can be found in Aristotle’s thesis of man as a political animal (*zoon politikon*). This is not to say that the principle of “voluntary co-operation” cannot be called democratic, only that it is necessary to take into account the context in which the term is used and in which it gets its special feature. Bearing in mind this context dependence, that places one and the same kind of human relations in different mental registers (the register of politics, the register of psychology, the register of anthropology, etc.), it becomes clear in what sense Vanberg’s use of the term (solely as a synonym for democratic relationship) is based on a too narrow use of the term and illegitimate reduction of the whole meaning of a concept to only one of its components. This means that there are actually different types of co-operation that can be characterized as “voluntary co-operation”. Liberalism of the Lockean orientation also accepts the idea of voluntary co-operation, but as something that does not necessarily foresee a specific form of social organization. Only when a social community is established it, according to this view, may take the form of a particular political system (be it “democratic,” “monarchical,” “aristocratic,” etc.). So when liberal theorists speak of “voluntary co-operation” it does not automatically imply democratic co-operation.

Further, even if it were accepted that liberalism and democracy are based on nominally the same methodological grounds (in this case individual sovereignty), that does not automatically mean that both start from the same “normative premise.” No one, of course, will deny that methodological individualism is the basic methodological mechanism of classical liberal theory, or that absolutism of the individual is something which came to modern political theory precisely thanks to this school of thought (Novaković 2008: 131). What we cannot agree with is an identification of a method with a normative dimension (value system) of a theory. This can be explained by the following example from classical political theory. Although both Hobbes and Locke proceed from the same normative premise, absolutism of the individual, their political theories lead to completely different conclusions. Hobbes’s state becomes in the end the horrible “Leviathan,” a sovereign “keep-

er” and “maintainer” of citizens’ security, while Locke sees the state as something largely limited by individual rights (the right to “life, liberty and property”) that does not foresee a specific political system (monarchy, oligarchy, democracy). Hobbes ends up in the authoritarianism of the *raison d’état*, and Locke in defense of individual freedom. This shows that the primacy of the methodological in relation to the values plane is not an adequate strategy for finding similarities (or differences) at the normative level. Although it is true that any liberalism implies methodological individualism, any theory that uses methodological individualism does not imply liberalism and does not necessarily end there.

All these wrong upturns (replacement of the methodological with the normative plane) and placement of very different theories (purified social contract theories) at the same level have their origin in Vanberg’s erroneous theoretical positioning of liberalism and democracy. To explain this argument I would like to refer to Vanberg’s distinction between “three levels” at which liberalism and democracy can be compared. Here is Vanberg’s table:

	Underlying Normative Premise	Principal Focus I	institutional Embodiment
Democracy	Individual Sovereignty	Citizen Sovereignty	Majority Rule and Other Institutions of Democracy
Liberalism	Individual Sovereignty	Private Autonomy [Consumer Sovereignty]	Specific Systems of Private Law [of Market Institutions]

(Vanberg 2008: 152)

As already stated, and as can be seen from this table, Vanberg identifies liberalism and democracy in terms of their normative premises, but also distinguishes them in terms of principal focus, i.e. direction from which they start. This table would be acceptable if one of its deficiencies, a product of the crucial misunderstanding of general positions of liberalism and democracy were corrected. Although liberalism as a doctrine is concerned with politics, the political dimension, however, is neither its origin nor its ultimate goal. Moreover, liberalism as an idea arises from the necessity of restricting the segment of politics as such, while democracy as an idea occurs primarily in the segment of politics and for the political segment, namely, as an ideal of general political participation. If certain changes were made to Vanberg’s table by replacing the normative premise of “individual sovereignty” with

“citizen sovereignty” in the field of democracy, things would be much clearer and more consistent, according to the author of this paper. Here is how Vanberg’s modified table may look:

	Methodological Starting Point	Underlying Normative Premise	Principal Focus	Institutional Embodiment
Democracy	Individual	Citizen Sovereignty	General Participation	Majority Rule and Other Institutions of Democracy
Liberalism	Individual	Individual Sovereignty	Private Autonomy [Consumer Sovereignty]	Specific Systems of Private Law [of Market Institutions]

From this table it is clear that democracy is concerned primarily with political participation – the exercise and control of power, either through direct or indirect participation. Therefore, its primary focus is general participation. The ideal of democracy would be for every citizen, every individual in society to be involved in the control and exercise of power. Perceived this way, the idea of democracy is close to the idea of “total citizen” (Dahrendorf), a being completely involved in politics – *zoon politikon*. On the other hand, the idea of total citizen is completely alien to liberalism. Liberalism, as a theory, is based on the individual as an individual, a being not predetermined as a political being. According to liberal theorists this individual is in fact a very specific, concrete, individual – it is a creature of human everyday existence that exactly because of its concreteness cannot be entirely subsumed under group categories of social theory, nor respond to the utopian hopes of political theories that claim exclusive rights to the knowledge of the fundamental property of this concreteness. Such an individual is the starting point of liberal theory while the reflection on the functional framework of its protection – from coercion of power or its kin – is a basic theoretical motivation of liberalism. Vanberg correctly observes that liberalism focuses on preserving the integrity of private autonomy of individuals, or, as Locke would say, the right to “life, liberty and estate” (Locke 2008: 323). Hence, according to this modified table it follows that the integration of normative premises of liberalism and democracy would constitute a logical error. Such a procedure would produce a reduction of normative scope of liberalism, because a certain type of anthropology (liberal anthropology) would be replaced by other anthropology – political (democratic) anthropology. From the liberal individual, whatever it be, only a political individual – a “citizen” would remain, and it would be a price of Vanberg’s attempt at reconciliation.

Also, it is evident that in this is second table there is another, added column. Specifically, the column that says “methodological starting point.” Such intervention was necessary in order to reflect that liberal and democratic theory may use the same methodology (or the same methodical units), but that their normative starting points are different. In that sense, this table clearly shows that Vanberg made a double error by, firstly, identifying normative starting points of the two theories, and secondly, by mixing the normative and the methodological plane.²¹

Of course, Vanberg’s table, as well as its modified version, is neither the first nor the last thing said on the relationship between liberalism and democracy. The primary aspect of this work was the critique of Vanberg’s position using the same conceptual and theoretical instruments and tools he uses. For example, we could conclude, together with Bobbio (and with a good ground) that the ideal of democracy is nothing more than the fact “that all are in a position to make decisions about everything” (Bobbio 1987: 37), and to derive other conclusions from there. In this case it would become clear how the democratic ideal itself is problematic, logically impossible, in fact. That is, its operationalization is difficult, unless additional restrictions (indirect rather than direct democracy) and additional requirements (separation of powers, private autonomy, etc.) are imposed. Logically, as a position, it is meaningless, because, if “all are in a position to make decisions about everything”, it would mean “that no one makes decisions about anything.” Vanberg’s elegant treatment of ideals of democracy and its normative premise avoids these consequences: examining things at a completely abstract level (meta level) something from the specific level is picked up (“citizen sovereignty” as a historical legacy of liberal democratic societies), and neglects the true ideal of democracy embodied in the claim “that all are in a position to make decisions about everything.”

However, this Vanberg’s attempt at “reconciling the irreconcilable” has value precisely in the reference to thinking about the basic intentions that underlie ideas of liberalism and democracy and determine their meaning. A critical review of Vanberg’s solution suggests that theories that use identical methodological tools need not produce the same conclusions, much less be the same theory. Contextual occurrence of a certain idea, or a theoretical concept and its basic intention are indispensable assumptions of its understanding. Hence, even ex-

21 Here Vanberg also pays the price for his omission of consideration of Lockean theories of social contract. For any of these theories, like, for example, the theory of Robert Nozick, says that consenting associations of autonomous individuals do not necessarily create the institutional arrangements of the democratic type.

tremely abstract considerations at the constitutional plane proposed by Vanberg cannot have full value unless the full semantic scope of words we use is included. Otherwise such a high theoretical abstraction would result in infertile identifications that can only contribute to conceptual confusion. Ultimately, even if we accept the ideal type leveling at the constitutional level, the results of such an enterprise would be irrelevant to the specific consideration on ideas of liberalism and democracy. Notably, their use value, both in the segment of theory and in the segment of political reality, would be negligible.

From the analysis so far given follows that the relationship of liberalism and democracy, both in its historical realization, and in ideological sphere, can be understood primarily as a cohabitation relationship of two quite different things. Of course, many will insist that it is more to it and that the compatibility mode is true form of this relationship, especially bearing in mind the actual situation of dominance of liberal democracy model. However, this thesis is supported by only one value assessment made through superficial observation of the political system of the contemporary world. The historical dimension of this relationship, as presented in the first part of this paper clearly indicates that its dynamics should rather be understood in terms of relations and the conflicts of struggle for dominance of one over the other. On the other hand, the fact of dominance of a particular liberal democratic model implies neither ideological complementarity (Vanberg's intention) nor ideological compatibility. For the ideals of democracy and liberalism, as ideals, represent ideals of two different worlds, one that is primarily concerned with politics and the other that is trying to save us from politics. Hence, any attempt at their reconciliation is doomed to failure, because the irreconcilable cannot be reconciled.

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European Standards and Constitutional Changes in Serbia

Abstract

The author examines the influence of European integrations on the constitutional process and determines directions of the constitutional reform in the Republic of Serbia. At the time of adoption of the 2006 Constitution, the European Union (EU) and the Council of Europe (CoE) have been monitoring the process and providing good offices. Their objections have been partly incorporated in the supreme legal act of Serbia. Yet, however, this Constitution does not fully meet European standards in terms of the manner of adoption and content of the constitutional matter. This paper critically examines EU and CoE criticism and points to other problems concerning altering the Constitution. Opinion of the Venice Commission was a starting point in reconsideration of European organisations' critiques regarding the Constitution of Serbia. Lack of consensus on institutional and political reforms makes future constitutional review uncertain.

Key words: Serbia, constitution, harmonization of law, European Union, European integrations, political institutions, territorial organization, decentralization, sovereignty transfer clause, political parties.

I. Constitution and European Standards

According to Etienne Balibar, Constitution is the prerequisite for building a new political community and democratic form, such as the European Union. Debate on the European constitution transgresses the

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framework of traditional normative and philosophical stands. Balibar underscores the need for an “expanded” concept of the constitution, in Montesquieu’s sense, namely such that comprises a political-social regime, non-hierarchical historical entirety of individual and collective rights, a form of representation of instances and responsibilities in which ‘one power curbs the other’... and an ‘evolutional’ concept... a material order which would concurrently be a principle of institutions’ openness to their own transformation and being transcended...” (Balibar 2003: 15-16). In the meantime, a decade has elapsed, the European Union has got closer to an intention to get a constitution in a codified normative form, yet the observations regarding democratic deficit of the integrational processes still hold valid. Balibar observes that “there is much bureaucracy in Europe, but little state in terms of a political institution. In reality there is an obvious split between the actual powers (which are not insignificant, but are limited) and ideological pretensions that contribute to closing the perspectives for building democracy in some abstract alternative” (Ibid).

European Union is a specific *tertium genus*, a legal creation with confederal and federal elements, which now undergoes a dynamic transformation by the international supranational organization towards a super - state. According to Simon Hix, European Union is a political system, but not a state (Hix 2007: 24). The continual process of institutional reforms is the process of constitutionalization, with the gradual building of central institutions and transfer of powers (sovereignty) from member states to the European level of powers.

The nature, structure and processes of European integrations have influenced as well the constitutional law of its state members. In this respect, this is increasingly more the issue of “the Europeization of the constitutional law”, the effect of the *acquis communautaire* on the constitutions of its state members (Marinkovic 2007: 60). The influence of so-called European law is channelled through the endorsement of legal principles from the founding (basic) legal documents of the European Union, through the effects of the decisions passed by corresponding courts (European court of justice, European court of human rights)² and consensual agreement among state members (e.g. constitutional norm on “currency stability”). Their implementation is not uniform in the basic legal acts of state members.

2 Along these lines, Serbia’s judge in the European court of human rights, professor Dragoljub Popović, underscores “constitutional dimension” of court adjudication and quotes enacting terms of judgement in the case *Loiziou v. Turkey*, saying that the “Convention (European convention of human rights, R. M. note) is a constitutional instrument of the European public law” (Popović 2007: 117-118)..

Constitutions of the member states incorporate different volumes and contents of the norms of the so called European constitutional law. There is a visible difference between the old (founding) and new state members. In their normative acts newly joined state members strive to more thoroughly spell out their belonging to the European Union through the constitutional articulation of its basic legal principles and the catalogue of human rights and liberties. Thereby, their constitutions are identity documents confirming their commitment to European values. On the other hand, more modest contents of the so called European provisions in the constitutions are indirect indicator of loyalty to the traditional dogma on sovereign power and of resistance to law harmonization. However, irrespectively of different juristic interpretations, the conclusion is that all state members have changed their constitutions in the process of European integrations and have harmonized their law systems with the EU legal system (See Marinkovic 2007; Tisma 2011: 185-212). This is not a concluded process; it goes on through incessant alignment of different constitutional systems. In the context of this paper, our attention shall be focused on constitutional changes in EU candidate countries, notably on the constitutional reform in Serbia in the context of European integrations, or acceptance of basic European values and standards.

Meeting of the criteria ("Copenhagen criteria")³ is *conditio sine qua non* in order that a country may become an EU member. These conditions can be divided into four categories: geographic,⁴ political-legal, economic and other criteria (so called *acquis communautaire*). When speaking about the political-legal criteria which candidate states must meet in order to join EU, we imply development of an appropriate legal framework that ensures the rule of law (Cf. Stefanovic 2011: 60-61). Translated into the language of constitutional law, this does not mean only the existence of constitution as the supreme legal act, but also corresponding contents of the constitutional-legal norms.

The European Union and the Council of Europe have been closely monitoring constitutional reform in Serbia after the 2000 change in the political regime. Their services comprised monitoring and provision of "good offices". Through their institutions and advisory bodies, such as the European Commission and European commission for democracy through law (Venice Commission), it has indicated the necessity for

3 Set at the European Council session of 21-22 June 1993.

4 Serbia meets this condition, being a European country. Request by Morocco was rejected on this ground in 1987 (See Weidensfeld, W., Wessels, W. 2003: 286).

Serbia to adopt a new constitution,⁵ provided criticisms and guidelines regarding Constitution drafts and Proposal for the Constitution, and post festum presented opinion on the new Constitution. Thus the Venice Commission has addressed two general objections concerning the Constitution of 2006. The first concerns the manner of its adoption, and underlines that the Constitution “was however prepared very quickly“. In this regard, it notes the partocratic character of this Constitution and absence of a public debate in the process of preparation of its proposal.⁶ On the other hand, some specific criticisms concerning constitutional solutions have been spelled out. The Venice Commission presents the following stand on this issue:

“...many aspects of this Constitution meet European standards and adopt the criticisms made in the Venice Commission’s 2005 Opinion. However, there are some provisions that still fall well below those standards and others where the hasty drafting is evident in provisions that are unclear or contradictory “.⁷

The opinion of the Venice Commission, although it does not belong to institutional framework of the European Union, is a document with the weight of authority and it is a starting point for reconsideration of the critiques of the European organizations regarding the Constitution of Serbia. In the following part of the text within a thorough analysis of the objections to the abovementioned opinion of the Venice Commission, the author tried to define the main dilemmas and presumptions concerning the changes of the Constitution of Serbia.

5 The EU firstly participated in the constitutional restructuring of the Federal Republic of Yugoslavia, in the creation of the state union of Serbia and Montenegro and the adoption of the Constitutional Charter (2003). It was envisaged under the Constitutional Charter to change constitutions of republic members within certain time. However, Serbia and Montenegro have not harmonized their respective constitutions with the Constitutional Charter. Therefore, it is stated in the National Strategy for the EU accession of Serbia and Montenegro that in regard to the establishment of appropriate legal regulatory rules the most obvious thing is the lack of appropriate constitutional framework. See, “National Strategy for the EU accession of Serbia and Montenegro” (2005) Beograd: European Integration Office, pp. 25-27.

6 “A small group of party leaders and experts negotiated during a period of about two weeks to achieve a compromise text, acceptable to all political parties...“. *Ibid*, p. 2.\

7 European commission for democracy through law (Venice commission), *Opinion on the Constitution of Serbia, adopted by the Commission at its 70th plenary sessi-on* (Venice, 17–18 March 2007), CDL-AD(2007)004, http://www.nspm.org.yu/debate_2007/2007_venecijanska_komisija_kom.htm [Accessed 21 October 2007].

II. Altering the Constitution of Serbia

1. Preamble

Most of the constitutions of EU state members have a preamble (Germany, France, Spain, Portugal, Poland, Slovenia...). A preamble is the part of the text which, as a rule, precedes a constitution, contains guiding principles and motives of the constitution-making authorities in the adoption of this supreme legal act. Certain European constitutions contain in the preamble a proclamation of the intent to live in united Europe or commitment to European principles.⁸

Constitution of Serbia has moved the declarative commitment to European values, inscribed in the Proposal for the Constitution in the preamble, further on into the basic principles (Article 1). The older Serbian institutions did not have a preamble, in contrast to 1990 Constitution. From the standpoint of the process of European integrations, this preamble is one of the most disputable parts of the 2006 Constitution of the Republic of Serbia.

As a side note, theory knows different stands on the character of legal obligatoriness of the preamble.⁹ The doctrinaire stand is that the answer to the question of legal power of a preamble depends on a sequence of circumstances (the contents of a preamble, its place in the constitution).¹⁰ What adds to the complexity of this question is the fact

8 An example can be found in the German Constitution from 1949, which states in the preamble: „Aware of its responsibility before the God and before people, *determined to serve to the world peace as an equal member of the united Europe*, the German people through the power of constitution-making authorities have adopted this Constitution “ (italic by R. M.).

9 Theoreticians who challenge legal obligatoriness of the preamble emphasize that by its form it does not have the character of a legal act. From formal and legal perspective it does not have articles, enacting terms or sanctions. It is a declaratory (program) document, which is not an integral part of the Constitution, with the general contents that is not binding for anyone. On the other hand, it has been emphasized that there are constitutions with the preambles which have legal contents (French constitution), so that also by their formal effect they should be deemed as positive legislative rules. See M. Jovičić, M. (2006). “O ustavu”. In: Jovicic, M. *Ustav i ustavnost*. Beograd: Pravni fakultet Univerziteta u Beogradu, Službeni glasnik, pp. 110, 124. German law doctrine regards that the preamble has a legally binding character, considering that it is a guideline for the interpretation of the constitutional and legal norms (“indirect effect”), and that its direct effect can be derived from its contents and context. Cf. Šarčević, E. (2005) *Ustavno uređenje Savezne Republike Njemačke (Uvod u njemačko državno pravo)*. Sarajevo: KULT/B, Heinrich Böll Foundation, Embassy of the Federal Republic of Germany in Sarajevo, pp. 44-45.

10 A preamble is not legally binding when it does not prescribe any rules and when it precedes the title of the Constitution. Marković, R. (2011) *Ustavno pravo* 15th edition. Beograd: Pravni fakultet Univerziteta u Beogradu, p. 41.

that the text of preamble comes before the title of the Constitution, and also that the Constitution of Serbia has not expressly established legal obligatoriness of the preamble. The constitution-maker could have resolved this dilemma by a norm, that is no novelty in the constitutional legal practice, pursuant to which "the preamble makes an integral part of the Constitution and shall produce legal effect".

The preamble establishes the motives for the adoption of the Constitution and defines the status of Kosovo and Metohija. The Constitution regulates that "constitutional obligation of all state bodies is to uphold and protect the state interests of Serbia in Kosovo and Metohija in all internal and foreign political relations". The Constitution does not specify "bodies" (sic!), and otherwise only uses the term "state bodies", which are subject to the referred obligation (Cf. Pajvancic 2011: 10). It follows from article 114, paragraph 3, that this is primarily a constitutional obligation of the President of the Republic.¹¹ Much the same, both the Constitution and law texts fail to define the contents of the "substantial autonomy concept", as an unknown normative concept, in comparative terms. Unclear and imprecise formulations of the preamble cause different interpretation of its legal obligatoriness.¹²

Two arguments challenge the interpretation that the preamble produces legal effect. According to formal criteria, the preamble is not given in the framework of the legal norm and its texts stands before the title of the Constitution. However, it contains "a clear rule of conduct". Any conduct of state bodies that violates the status of Kosovo and Metohija is subject to sanctions.

Serbia and European Union do not have a common stand regarding the status of Kosovo and Metohija. While for Serbia Kosovo and Metohija is "an integral part" of its territory, the majority of the EU member countries (22 out of 27) have recognized the independence of Serbia's southern province. Along these lines, there is an equivocal explanation regarding the possibility that Serbia continues the process of European

11 The text of his oath is as following: "I do solemnly swear that I will devote all my efforts to preserve the sovereignty and integrity of the territory of the Republic of Serbia, including Kosovo and Metohija as its constituent part..."

12 The character of legal obligatoriness of the preamble is negated by Ratko Marković, and Kosta Čavoški. Cf. Marković, R. (2007) "Ustav Republike Srbije od 2006" – kritički pregled". In: Marković, R., Brčin, D. (eds.) *Ustav Srbije – kritička analiza*. Beograd: Beogradski forum za svet ravnopravnih, p. 9; Čavoški, K. (2007) "Neuki i neodgovorni tvorci novog Ustava Srbije". In: Marković, R., Brčin, D. (eds.) *Ustav Srbije – kritička analiza*. Beograd: Beogradski forum za svet ravnopravnih, p. 68. According to an opposite opinion (Milosavljević, B., Popović, D. (2008) *Ustavno pravo*. Beograd: Pravni fakultet Univerziteta Union, p. 44), the preamble "comprises a clear rule of conduct" for our state bodies and "has legally binding character".

integrations without recognizing Kosovo. While it is, at least diplomatically, explained that these are two separate processes, in the colloquial addresses by politicians from most influential member countries, progress in the process of association to EU is connected with Serbia's actions towards recognizing independence of Kosovo. In the last report of the European commission, the request that Serbia should make "significant progress" in negotiations with Kosovo, euphemistically hides that fact that the doors for the continuation of negotiations are locked.¹³

In future Serbia shall be faced with a painful dilemma – recognition of Kosovo and Metohija or continuation of the European integrations. The disputable contents of the preamble "binds the hands" to state bodies. In this regard, a decision to recognize independence of Kosovo shall result in altering the Constitution, including not only the preamble, but also the constitutional norms that regulate the status of its southern province.

2. Decentralization

Decentralization is often stated in political debates as a legitimate basis for altering the Constitution. Most of the political parties in Serbia regard that the Constitution provides too tight scope for decentralization. The Constitution, the same as its predecessor, maintains an economically inappropriate and politically undemocratic model of political centralization in the relations among local self-government, territorial autonomy and republic authority. Critics claim that there are powerful institutional mechanisms of control by the executive power over local self-government, inadequate asymmetric territorial arrangement with two provinces, discrepancy between the constitutional-legal and actual status of AP Kosovo and Metohija and violation of proclaimed rights to local self-government and territorial autonomy.

13 On 12 October 2011 the European Commission has issued recommendation to grant Serbia the status of a candidate for EU membership, but the date for the beginning of negotiations has been postponed (See European Commission, *Commission Opinion on Serbia's application for membership of the European Union, Commission Staff Working Paper, Analytical report*, COM(2011)668, Brussels, 12. October 2011, SEC(2011)1208). In the 2010 Report European Commission notes that Serbia "has continued to contest Kosovo's declaration of independence", criticizes its policy on Kosovo, pp. 16-17. Serbia is requested to enable participation of Kosovo in regional fora, and customs and operation of courts in the north of the Serbia's southern province is examined from the standpoint of Copenhagen criteria on regional cooperation. Cf. European Commission, *2010 Progress Report on Serbia (working document)*, Brussels SEC(2010) 1330 [online]. Available at: http://www.seio.go.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/izvestaj_o_napretku_srbije_2010_sa_%20aneksom.pdf [Accessed 13 October 2011].

Similar criticism can be found in the Opinion of the Venice Commission, only here the analysis is more focused on legal-technical objections (enunciation of the constitutional matter and vague definitions, for example in the regulation of the separation of powers between the state, autonomous province and units of local self-government, regulation of the status of “substantial autonomy”) and lack of guarantee for the financial autonomy of autonomous provinces and local self-governments. The Venice Commission recommends subjecting Government’s power to dismiss municipal assembly to the requirement of a prior assessment of the case by the Constitutional Court, and instead of Government to let Constitutional court make a prior assessment of the constitutionality and legality of decisions adopted by the autonomous province (see Article 186 of the Constitution).

In the public discourse of Serbia, often toned by demagogic, politicized and inappropriate approaches, features ununiform and erroneous use of technical notions (regionalism, regions and regionalization)¹⁴, which gives rise to confusion among citizens and blurs attempts at analyzing political parties’ stands on decentralization. Certain parties interpret decentralization processes as attempt to decompose the state, other find in them a formula for an efficient and more rational system of government (regionalism), while for some other such processes are a continuation of democratization and suppression of political and institutional centralism (regional state), while for national minorities they represent a step towards political autonomy...

During its nascent and development the European Union was building an institutional system in which powers should be divided between the centre and the periphery, notably the one in which “public policy should be in the hands of different levels in order to produce the best aggregate result” (Hiks 2007: 37). That is one of the basis for encouraging policy of regionalism.¹⁵ An unequivocal conclusion is that, along with the respect for different democratic traditions in state members,

14 For different meanings, see Jovičić, M. (2006) “Regional state“, in: Jovicic, M. *Savremeni federalizam*. Beograd: Pravni fakultet Univerziteta u Beogradu, Službeni glasnik, p. 347.

15 Under the Law on regional development (2009) Serbia introduced NUTS regions, specifically the statistical regions (their count was reduced from seven to five based on the 2010 amendments to the Law), with the view to ensure more balanced regional development (see Article 94 of the Constitution). This is in compliance with the EU policy on the enhancement of underdeveloped regions, economic and social transformation and development of certain areas (education, schooling and employment). Through the Committee of regions established under the Treaty of Maastricht, the EU coordinates the so called structural funds and finances structural policy. The Committee, as an advisory body, is tasked to maintain relations with regional and local authorities. In the pre-accession period of the European integrations, constitution of the NUTS regions is of

decentralization is the connective tissue of the institutional architecture. In consideration of the constitutional reform, the task of political elite in Serbia is to determine normative forms of decentralization, adjusted to the needs of the economic development, protection of human liberties and rights, and vertical power policy.

3. Position of the Members of Parliament – Terms of Office

Constitutional provision under which “under the terms stipulated by the Law a Member of Parliament shall be free to irrevocably put his/her term of office at disposal to the political party upon which proposal he or she has been elected a Member of Parliament” (Article 102, paragraph 2) has provoked controversial interpretations and strong criticism. Mentioned constitutional norm, much the same as other constitutional solutions, is imprecise. Constitution-maker leaves to the legislator to regulate in more detail the manner and conditions under which a member of parliament may put his/her term of office at disposal to the political party. The Law on Members of Parliament and the Law on the National Assembly have failed to regulate this provision in more detail. Another, more important consequence of this constitutional solution is that it practically deforms the nature of the term of office of a Member of Parliament and introduces “a concealed” imperative terms of office (Cf. Jovanovic 2006: 671; Jovanovic 2008: 85-99).

According to this constitutional solution, the Member of Parliament's mandate is not free, but imperative or tied. By signing irrevocable resignation, or a “blank resignation”, a Member of Parliament enters contractual relationship with the party. By activating such resignation the party may at any time take off the mandate from a Member of Parliament. This stand was founded on the argumentation that by his/her leaving the political party or coalition on the list of which he/she was elected, a Member of Parliament disturbs the purport of the proportional election system. He/she is not elected by citizens' will, but thanks to the success of the electoral list, thus the party has the right to decide on the fate of his/her mandate. A “blank resignation” in fact, has the character of an educative measure, a threat and sanction against unfit or disobedient Members of Parliament. In the political system of Serbia, it was supposed to serve as a means to prevent trading in Member of Parliament's mandates and reinforce party discipline.

special relevance for Serbia, in order that it may apply for funds from the structural funds. For more information see: http://www.europa.eu.int/comm/regional_policy.

Members' of Parliament "blank resignation" is in contradiction with the constitutional principles (citizens' sovereignty, rule of law, citizens' right to elect holders of power), international standards (International Covenant on Civil and Political Rights, European Convention for the Protection of Human Rights and Fundamental Freedoms) and comparative practice.¹⁶ An imperative mandate or a provision similar to Serbia's constitutional norm cannot be found in any of the European states. In its Opinion on the Constitution of Serbia, Venice commission points to the referred provision as its main shortcoming,¹⁷ and regards that it violates Member of Parliament rights and concentrates excessive power in the hands of the party leaderships.

In practice, after the Constitution came into force, most of the political parties signed agreements on blank resignations with their Members of Parliament and councillors. However, although they often changed Members of Parliament, political parties did not use "blank resignation". According to a research by a Serbian daily, in the period June 2008 - March 2011, 35 Members of Parliament have been replaced, or one out of seven.¹⁸ The question of "blank resignation" was at issue in two cases. After Serbian Progressive Party was formed, over twenty Members of Parliament from the Serbian Radical Party have joined the newly formed party. Serbian Radical Party requested activation of the blank resignations, yet its former vice president who became president of the new party stated that these have disappeared. The other case is even more interesting, because the administrative committee of the National Assembly has interpreted constitutional norm by preventing application of the blank resignation. In the case of a Member of Parliament who in 2010 stepped out of the Democratic Party of Serbia first to become an independent Member of Parliament, and later joining another parliamentary party, the Administrative Committee of the

16 Most of the European constitutions contain the principle of free imperative mandate. Cf. Pajvančić, M. (2005) *Parlamentarno pravo*. Beograd: Konrad Adenauer Foundation, pp. 61-64; Pejić, I. (2007) "Koncept narodnog predstavništva i kontroverze o parlamentarnom mandatu u srpskom ustavu" [online]. Available at: http://www.nspm.rs/debate_2007/2007_pejic1.htm, fn 1. [Accessed 7 October 2011].

17 "The main concerns with respect to the Constitution relate, on the one hand, to the fact that individual members of parliament are made subservient by Art. 102.2 to party leaderships..." The Venice Commission of the Council of Europe also pointed to this solution in its Opinion, No. 405/206 date 19th March 2007 on the Constitution of Serbia, p. 18 [online]. Available at: [http://www.venice.coe.int7does/2007/CDL-AD\(2007\)004.-e.pdf](http://www.venice.coe.int7does/2007/CDL-AD(2007)004.-e.pdf) [Accessed 1 October 2011].

18 "Svaki sedmi poslanik otišao iz Parlamenta." *Novosti*, [online]. Available at: <http://www.novosti.rs/vesti/aktuelno.69.html:312558-svaki-sedmi-poslanik-otisao-iz-parlamenta> [Accessed 14 October 2010].

National Assembly disputed his “blank resignation” (Cf. Goati 2011: 10-11). In formal and legal regard, the ground for his decision was not provided in the positive law but in the decisions of the Constitutional Court of Serbia.

The Constitutional Court gave opinion on the character of representative mandate in three decisions. In May 2003 it has found incompatible with the Constitution the provision under which the mandate of a Member of Parliament, or councillor, shall cease before the end of the term of office in case of cease of such MP's membership in the political party or a coalition on the electoral list of which he/she was elected.¹⁹ In 2010 Constitutional Court repealed Article 43 and 47 of the Law on Local Elections governing the institute of “blank resignations” on the local level. Constitutional Court has then given its stand that “the mandate is a public-legal relationship between voters and the Member of Parliament and cannot be the object of any contract under the private law.”²⁰ In rendering its decision, the Constitutional Court invoked international standards and the case law of the European Court of Human Rights in Strasbourg in the case *Gaulidirer vs. Slovakia*.²¹ Finally, the Constitutional Court repealed Article 84 of the Law on the election of Members of Parliament, based on which submitter of the electoral list could decide on the distribution of MPs' mandates.²²

In the meantime, most of the political parties showed strong resistance against altering the Constitution and removing disputable provision. After the European Union insisted that Serbia takes measures concerning this issue, drafting of the amendments to the Law on the election of Members of Parliament was undertaken. The proposal for the amendments to the Law on the election of Members of Parliament (April 2011) establishes a procedure that prevents submission of blank resignations.²³ The Venice Commission disputed such solution and

19 Law on the election of deputies (Article 88), Decision of the Constitutional Court of RS IU no.197/02. Službeni glasnik Republike Srbije, no. 57/03.

20 Decision of the Constitutional Court of RS IU no. 52/08, 57/03. 52/08. Službeni glasnik Republike Srbije, no 34/10, 21 May 2010.

21 See European Court of Human Rights, in the *Gaulidirer v. Slovakia* (Application no. 36909/97) Judgment Strasbourg 18 May 2000, [online]. Available at: [http:// www.portales.te.gov.mx&internacional/sites/portales.te.gov.mx.internacional/files/CASE_OF_GAULIDIRER.pdf](http://www.portales.te.gov.mx&internacional/sites/portales.te.gov.mx.internacional/files/CASE_OF_GAULIDIRER.pdf) [Accessed 11 October 2011].

22 Decisions of the Constitutional Court of RS IU no. 42/08, 57/03. 52/08. Službeni glasnik Republike Srbije, no 28/11, 26 April 2011.

23 A resignation, certified with the competent court, shall be submitted by a Member of Parliament personally, and it may not be older than three days when submitted to the National Assembly.

stated that “the inclusion of modalities for organizing blank resignations in the election law should be reconsidered as it risks replicating a constitutional provision that has previously been criticized, as well as reinforcing the imperative mandate.”²⁴

4. Clause on the Transfer of Sovereignty

The integrative clause or the clause on the transfer of sovereignty is a normative instrument that enables direct applicability of the EU law (*acquis communautaire*) in the national legislations. The integrative clause is a confirmation of supremacy of the *acquis communautaire* over the laws of the state members.

Taking into consideration that the European Union is not a state, and therefore it is not sovereign, state members confer certain powers to the European Union. Accordingly, *acquis communautaire* supercedes national laws. States are limiting their sovereign powers in favour of the European Union, notably in favour of a new legal order in the international law. This means that in order to apply EU regulations it is not required to ensure special ratification or adopt special regulations in national legislations (Čavoški 2006: 105).

Over the process of development of the European Union, by confirming founding documents, and /or under decisions of the European Court for Human Rights or decisions of the national courts, state members have been accepting and positively interpreting the transfer of sovereignty.²⁵ According to German Constitution, a federal state may transfer its sovereign powers to international organizations (Article 24). Under amendment to its Constitution (Article 3) Slovenia may transfer the exercise of part of its sovereign rights to international organizations.²⁶ Already in 2010, although it shall officially become member of

24 Joint Opinion on the Draft Law on “altering and amending the Law on election of Members of Parliament” of the Republic of Serbia by the Venice Commission and the OSCE/ODIHR – Adopted by the Council for Democratic Elections at its 36th meeting (Venice, 24 March 2011) and by the Venice Commission at its 86 Plenary Session (Venice, 25-26 March 2011, <http://www.venice.coe.int/docs/2011/CDL-AD%282011%29005-e.pdf> [Accessed 14 October 2011]. See also CDL-AD(2009)027 Report on the Imperative Mandate and Similar Practices adopted by the Council for Democratic Elections at its 28th meeting (Venice, 14 March 2009) and by the Venice Commission at its 79th Plenary Session (Venice, 12-13 June 2009).

25 In UK this was done by court decisions. For more details see Loveland, I. (2009) *Constitutional Law, Administrative Law and Human Rights (A critical introduction)*. Oxford: Oxford University Press, p. 405.

26 Adoption of such decisions, in the form of international treaties, is subject to two-thirds majority vote of all deputies. Slovenia has envisaged that before ratifying a

the European Union only in 2013, Croatia amended its Constitution by introducing the integrative clause.²⁷

Absence of integrative clause was criticised in the drafting of the Proposal for the Constitution and after its adoption (Bulajic 2006: 29; Todoric 2006: 6-7). Counter argument is that the “integrative clause is “constitutionally pointless“, has a declarative importance and may carry “superfluous overtone of a peculiar political voluntarism“, because necessary conditions for its application are not in place (Samardzic 2006: 4-5). More favourable conditions for altering the Constitution and Serbia’s rapprochement to European Union shall contribute to developing Constitutional provision on the transfer of powers. It is worth recollecting that Serbia has already unilaterally applied provisions of the Agreement on stabilization and association, which was positively assessed by the European Union.

5. Civil Rights and Liberties

After the dissolution of the state marriage with Montenegro, Serbia has adopted its Constitution in which it has incorporated provisions of the Charter of human rights and liberties, with certain amendments. This is a comprehensive catalogue of liberties and rights (about 70 articles, or one third of the Constitution text constitute the second part of the Constitution under the title “Human and Minority Rights and Freedoms“), featured by the already mentioned shortcomings (incompliance and imprecise formulations), including some addressed by the Venice Commission.²⁸

Noteworthy is the provision on the right to enter into marriage and equality of spouses (Article 62). Constitutional solution is contradictory. The Constitution first defines that everyone shall have the right to decide freely on entering or dissolving a marriage (Article 62, paragraph 1), (Cf. Pajvancic 2011: 84), and thereafter says that the condition for entering a marriage is “the free consent of man and woman” (paragraph 2). This means that the Constitution excludes the right to enter into same-gender or gay marriages, and that not everyone has the

treaty it may call a referendum.

27 Croatian Constitution has dedicated a special Chapter to European Union (Chapter VIII), and by Article 143 has regulated conferring of powers. See “The Constitution of the Republic of Croatia (consolidated text)”, *Official Gazette*, 85/2010.

28 The Venice Commission “expressed the concern that positive social and economic rights might create unrealistic expectations and advocated drafting them as aspirations rather than rights that can be directly implemented through court decisions.” European Commission for Democracy through Law (2007: 5).

right to decide freely on entering or dissolving a marriage. Instead of the term divorce, the Constitution uses the term dissolving a marriage as closer to the genius of the Serbian language and legal terminology.²⁹ However, dissolution of a marriage is not free, because dissolution of a marriage becomes effective only on the basis of a decision by competent court, established ground for divorce or based on spouses agreement (See Draškić 2007: 120).

Constitutional review is an opportunity to “cleanse” Constitutional text, to harmonize it with the EU Charter of fundamental rights, but also to incorporate new rights and liberties, such as: the right to public criticism against public bodies, right of foreign nationals to acquire real property under the same conditions as domestic citizens, right of foreign nationals to participate in local elections, right to good governance and to natural justice, etc. More precise formulation of rights would improve legal security of citizens, and establishment of new rights would present Serbia as a proper candidate for joining European Union.

6. About Judiciary

Judiciary reform and rule of law constitute one of the most difficult tests in the procedure for meeting conditions by future member of the European Union. European Union has also closely monitored judiciary reform in Serbia. Its general assessment is that Serbia has not yet deserved a passing grade. Objections relate to regulations governing judicial power and manner of conducting reappointment of judges. The European Commission, Parliamentary Assembly of the Council of Europe, Venice Commission and Consultative Council of European Judges have informed public bodies and the public in Serbia about all the shortcomings and problems concerning judiciary reform.³⁰ The primary objection regarding the Constitution of the Republic of Serbia concerns the manner in which it has regulated reappointment procedure for judges.

The Venice Commission has noted that one of the basic guarantees for the independence of judges – the appointment of judges, has

29 Serbian word *raskid* (dissolution) implies cease of a bond, relationship, contract..., while Serbian word *razvod* (divorce) may also mean arranging, placing, as well as demarcation... Cf. Vujanić, M. et al. (2007) *Rečnik srpskog jezika*. Novi Sad: Matica Srpska, p. 1111, 1130.

30 In its 2010 *Progress Report on Serbia* European Commission notes “Serbia made little progress towards further bringing its judicial system into line with European standards, which is a key priority of the European Partnership” and that “...major aspects of the recent reforms are a matter of serious concern”. Available at : http://www.izvestaj_o_napretku_srbije_2010_sa_aneksom.pdf. (p. 10) [Accessed 9 October 2011].

been deformed. The appointment of judges is excessively politicized, because the National Assembly is given too big role in the procedure for the election to judiciary offices (Article 147). This risk is even more prominent, because the Constitution envisages re-election for all holders of judiciary offices. Concern was expressed that the mechanism of “blank resignations”, would add to a possibility that the offices in judiciary system be divided between political parties.³¹ The National Assembly plays a two-fold role in the election of judges – in the setting up of the High Judicial Council (Article 153) it plays a decisive role in appointing candidates for judiciary posts, and then it takes final decision on the election of judges (Article 99, paragraph 2, point 5, related to Article 147 of the Constitution). Warnings by the Venice Commission and domestic experts were ignored, which has subsequently led to numerous defaults in the reappointment of judges.

7. On other questions concerning altering the Constitution of Serbia

Opinions of the Venice Commission have served as a landmark in the debates on Constitutional changes. Constitutional reform may encompass other questions as well. Some of them shall be underlined here.

7.1. “Golden Budget Rule”³² – Constitutionalization of the “golden budget rule” in EU state members is the result of the initiative by Germany and France, which invited 17 members of the monetary union on 16 August 2011 to set in their respective constitutions, by 2012, the ceiling for budgetary deficit at up to 3% of GDP and for the public debt at up to 60% of the GDP. The purpose of this is to guarantee prevention of excessive budgetary deficit and indebtedness. This constitutional norm has already been adopted in Germany (2009),³³ and Spain did so under the urgent procedure in September 2011. It is expected that Italy

31 European Commission for Democracy through Law (Venice Commission), *Opinion on the Constitution of Serbia (adopted by the Commission at its 70th plenary session)*, Venice, 17-18 March 2007. CDL-ADL(2007)004, p. 9.

32 Constitutional norm under which a state cannot spend more than it gets in revenues exists in the constitutions of the most of US states, and in the constitutions of Germany and Switzerland. In the Polish Constitution (1997) there is a norm that prohibits “to contract loans or provide guarantees and financial sureties which would engender a national public debt exceeding three-fifths of the value of the annual gross domestic product” (Article 216, point 5). See “Constitution of the Republic of Poland”, *Prava čoveka*, no. 5-6./2003, Biro za zaštitu sloboda i prava u Beogradu, p. 136.

33 Basic Law (Article 115) regulates that federal budget deficit shall not exceed 0.35% of the gross domestic product, “debt break” (Schuldenbremse). Available at: http://www.ifo.de/link/Strukturelles_Defizit [Accessed 8 October 2011].

and France will do the same soon and that their example shall be followed by other members of the Euro-zone. The initiative to adopt such Constitutional norm derives from the economic crisis which has jeopardized the foundations of the European Union – its monetary system. In the Constitutional reform procedure, Serbia could “copy” the norm on budgetary stability.

Serbia has introduced new fiscal rules at the initiative of the International Monetary Fund and European Union. Under the 2010 Amendments to the Law on budget system it is envisaged that in the period 2011-2015 target annual fiscal deficit shall amount 1% of GDP on the medium term while the amount of public debt is limited at 45% of GDP, not taking into account liabilities under the restitution.³⁴

7.2. Change in the competences of the Constitutional Court – to disburden Constitutional Court of its competences. Transfer to regular courts certain disputes that are now settled before the Constitutional Court (complaints concerning violation of the right to trial within reasonable time).

7.3. Change in the number of MPs, re-design provisions which define immunity of the holders of public offices, more precisely formulate reasons for dismissing judges, define position and change in the name of the Supreme Court of Cassation, limit National Assembly's right to appoint and dismiss officials, more clearly regulate reasons for the termination of office of certain public officials (e.g. Ombudsman) etc.

III. Conclusion

The procedure of the association of new state-members with the European Union requires harmonization of the domestic law with the EU law. Constitution, as the supreme and basic legal act, inevitably suffers certain changes and adjustments in accordance with this requirement. Key changes indirectly relate to the creation of a constitutional framework which would meet political-legal criteria (rule of law, protection of human rights and liberties, democratic political system), but also to amendment and adoption of specific provisions (e.g. sovereignty clause). This is not a static process, because in keeping with the development of the European Union state candidates face new imperatives, namely prerequisites that are constitutionally and institutionally shaped.

34 See: Article 27e of the Law on Budget System, “Official Gazette of RS”, no. 54/09, 73/10 and 101/10)

Constitution of Serbia suffers from two types of shortcomings: deficit of legitimacy and normative insufficiency. Lack of public debate, hasty drafting and complex political moment at the time of its adoption have contributed to a quality of the Constitutional text below the expected. Venice Commission has already pointed to its key shortcomings, and its implementation practice has brought to light also some other deficiencies. The above presented facts speak on the inevitability of Constitutional review.

The dispute on constitutional review concerns three sets of important questions – the procedure for altering Constitution, reaching political consensus and the character of constitutional changes. The procedure for altering Constitution is complex and runs in stages: submission of a proposal, adoption of the proposal by two-third majority vote of the Parliament and calling a referendum, which is mandatory for certain parts of the Constitution (See Article 201 of the Constitution)³⁵. Previous remark shows that this is a hard constitution, which can be changed only subject to broad political and social consensus.

Consensus on any political question, even change in the Constitution of Serbia is almost “an impossible mission“. Political parties have different views on the need to alter Constitution, on the character of changes but also on the relationship towards European Union. Parties that are against Serbia’s membership in the European Union advocate Constitutional status quo. They are, first of all, against the idea of altering the contents of the preamble and introducing regionalism. This is contrary to the principles of territorial sovereignty and integrity of the Republic. Parties advocating change in the Constitution do not share the same view on the constitutional norm to be changed.

<i>Against altering the Constitution (SRS)</i>	<i>In favour of altering the Constitution</i>	<i>No precise stand</i>
Serbian Radical Party Democratic Party of Serbia (DSS)	DS, LDP, LSDV, URS, SNS, SPO	SPS-JS-PUPS Coalition National minorities' parties

Table 1. Political parties’ views on altering the Constitution

³⁵ Referendum is mandatory if a change in the Constitution relates to the preamble, principles, human and minority rights and freedoms, organization of power, declaring state of war and emergency and procedure for altering the Constitution.

<i>Political Party</i>	<i>Object of Constitutional review</i>
Democratic party (DS)	<ul style="list-style-type: none"> – reduce the number of MPs – decentralization
G17 plus (United Regions of Serbia)	<ul style="list-style-type: none"> – preamble – regionalization and decentralization – bicameral Parliament
Liberal-Democratic party (LDP)	<ul style="list-style-type: none"> – preamble – altering Constitutional principles (definition of the Republic of Serbia, on the holder of sovereignty, use of language and script...) – human rights and liberties – powers of the Republic of Serbia – organization of power
League of Social Democrats of Vojvodina (LSDV)	<ul style="list-style-type: none"> – position of Vojvodina (territorial autonomy) – character of representatives mandate (reform of the political system)
Serbian Progressive Party (SNS)	<ul style="list-style-type: none"> – the number of MPs * <p>Ready to talk on changes in other constitutional provisions</p>
Serbian Revival Movement (SPO)	<ul style="list-style-type: none"> – preamble – decentralization

Table 2. Overview of political parties' basic views on altering the Constitution

Problems concerning constitutional review are well illustrated by the fate of a proposal initiative for altering the Constitution. In 2010 Serbian Progressive Party, having met a formal request by ensuring signatures of over 300,000 citizens, submitted a motion for changing the number of MPs. According to this proposal the number of MPs would

be halved, from the current count of 250 to 125 (Article 100, paragraph 1), which would contribute to a more efficient work of the Parliament and the Government. The proposal came against a broader political background, due to which it was not welcome by most of the political parties. Through the reduction of the number of MPS, the political scene of Serbia would be “cleansed”. Survival of the most of current parliamentary parties would be jeopardized, because a smaller number of mandates would limit their political influence. A similar initiative, advocating regionalization, was proposed by the President of the Republic in the first half of 2009. The number of MPs would be set at 150, and Vojvodina would be just one among the regions.³⁶ Mentioned initiative by the President of the Republic gave rise to negative reactions, not only among the opposition parties, but of also among his political allies.³⁷

Regarding altering the Constitution, three scenarios appear realistic. After parliamentary elections in 2012, subject to ensuring parliamentary support, the Government and coherent political majority would undertake a radical altering of the Constitution. Call for constitutional referendum would be tied with Presidential elections, out of financial reasons and for easier mobilization of voters. The second option, in a situation without political consensus, would be to postpone Constitutional change for an indefinite period of time, until Serbia finally knocks at the door of the European Union. Adoption of the Constitution would precede a referendum on joining European Union. In such situation Constitutional change would be extorted and, as customary, hasty. The third and most dramatic scenario is that due to political obstacles, specifically because of Kosovo and Metohija, Serbia joins Turkey in the status of an “eternal candidate” for the European Union. The imperative of Constitutional reform and constitutional and institutional harmonization of the Serbian law with the European legal system would be postponed to an indefinite time.

36 “Tadić najavio izmenu Ustava Srbije” (online). Available at: http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=04&dd=29&nav_category=11&nav_id=358007 [Accessed 12 October 2011].

37 In the document under the title: *Serbia 2020 – concept of the development of the Republic of Serbia by 2020 (draft for public debate, December 2010)* it is emphasized that “priority is given to all those changes in the Constitution aimed at ensuring harmonization of the basic Constitutional and legal solutions with the European principles and values and generally accepted principles and rules of the international law” (p. 3). See http://www.predsednik.rs/mwc/dic/doc/srbija_2020_final_18122010.doc [Accessed 12 October 2011].

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The Citizens of Serbia'S Views of Democracy:

Limited Sovereignty as an Essential Restriction of Legitimacy of the Political System ond Development of Democracy

Abstract

This paper deals with the results of a thematic and empirical research of the citizens of Serbia's attitude toward democracy on several levels, with the main conclusion that the views of democracy are not at all unambiguous. Majority acceptance of numerous criticisms of democracy is more widespread than the majority acceptance of democracy as a common value, a system of institutions and set of behavioural patterns, as well as acceptance of general, positive and concrete standpoints on specific aspects of democracy. The ratings on the degree of democratism of functioning of the political system in Serbia as well as the trust in its key institutions are negative, too. Although these findings are mainly expected, there is a surprisingly low percentage of citizens with consistent pro-democratic orientation as well as is suprising the dominant attitude of the public opinion that democracy is impossible when big countries dictate the small ones what to do. Citizens' standpoints on this precondition for the development of democracy have not been analysed so far, and they unambiguously indicate the conviction that the democratic character of the structure and functioning of the political system within a country are strongly limited by the democratic character of the international economic and political relations.

Key words: democracy, political system, legitimacy, public opinion, Serbia.

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Views of Citizens on Democracy in General, and its Respective Elements

There are numerous theoretical discussions on democracy in general, especially in the recent decades on democracy in countries in so-called transitions in general, followed by somewhat less numerous, and yet numerous empirical researches of citizens' attitudes toward democracy. It should represent a solid empirical basis for serious analyses, comparisons and generalisations, however they are greatly limited by the complexity of the content of the concept of democracy, its different determinations in theoretical considerations and different operationalization in empirical studies, the fact that the empirical studies mainly partially covered specific thematic aspects and similar, as well as the fact that the views of people on democracy have many, often contradictory elements, which complicates the interpretation of the research results. One of the latest thematic public opinion researches is the research of CPIJM IDN (The Center for Political Studies and Public Opinion Research of the Institute of Social Sciences) „Democracy in unstable societies: Serbia“ at the end of 2010², the results of which refer to the main conclusion that the attitude of the Serbian citizens toward democracy is generally multilayered and mainly inconsistent, and that their rating of the democratic character of the system in Serbia is very unfavourable.

Firstly, the two-thirds majority of the citizens in Serbia accept democracy in its most general sense – as a value, as a system of institutions and set of behavioural patterns of people, so they view democracy within a general, long time ago established cliché – „regardless of all the shortcomings, democracy is the best form of government as it allows for the participation of citizens in decision making“ (68%). This is the absolute majority standpoint of all the socio-demographic groups members, as well as the members of all parties. Absolutely accepted by the majority is the standpoint that it is important for democracy to „respect all the rights of minorities“ (53%), just as the absolute majority of citizens link democracy with better living conditions and improvement of living standards.

And yet, the position of the Serbian citizens towards democracy is not unambiguous. Namely, from acceptance of general positive views

2 IDN research of the Centre for political studies and public opinion research, carried out in cooperation with the Institute for the Danube region and the Central Europe of the University in Vienna, was carried out from 17 until 30 November 2010 using respective interviews „face-to-face“ on a representative three-phased stratified sample with 1090 randomly selected respondents over 18 years of age.

		Agree	Disagree	Don't know
1.	In democracy everybody talks too much instead of efficiently making and implementing decisions	71,5	7	11,5
2.	There is no democracy whilst powerful countries dictate to small countries what to do	71	12	9
3.	Regardless of all the shortcomings, democracy is the best form of government as it allows citizens to participate in decision making	68	18	14
4.	Democracy is just a screen behind which the rich people hide and pull all strings	56	25	19
5.	It is most important for democracy that the majority respects all the rights of the minority	53	26	21
6.	Without democracy there is no better life or improvement of living standards	53	29	18
7.	Democracy would develop faster if a strong leader were to lead the country	50	32	18
8.	It was better in the time of socialism when there was only one party	42	38	20
9.	Democracy is impossible in poor countries such as is ours	40	45	15
10	It would be better should a strong leader rule instead of the parliament and parties	37	48	17
11	Western democracies should represent the model to all the countries in the world	28	54	17

In/consistency with some statements on democracy (% of the total number of respondents)

of democracy, even more spread is acceptance of general, the same clichéd criticisms of democracy, such as „in democracy everybody talks too much, instead of efficiently making and implementing decisions“ (72%). Or, even with belief of the two-thirds that democracy is the best form of government, the absolute majority of citizens express their

agreement also with the standpoint that democracy is just a screen hiding the real power of the rich (56%)!

When it comes to certain conditions for establishment and development of democracy, the citizens of Serbia express serious reserves towards the whole series of common elements of ideas of democracy. For example, the absolute majority does not accept the standpoint that „Western democracies should represent the role model to all the countries in the world“ (54%). Western democracies as a role model are only unconditionally accepted by LDP (Liberal Democratic Party) members (78%), by the absolute majority of DS and G17 Plus (56%) and relative majority of other parties, mainly those of national minorities. Amongst members of all other parties, as well as abstinees and those undecided whether to vote and for whom to vote, the disagreement is dominant, and it starts from the absolute majority (DSS and NS), the two-thirds (SPS/PUPS/JS and SNS), even the three-quarters (SRS). In the public opinion, a belief prevails that democracy is a pledge for better lives and higher standard (53%), however the public opinion is almost divided in half regarding the issue whether democracy is possible in poor countries (only 45% of them think that it is possible versus 40% of those that think it is impossible).

Especially widespread is the agreement of the citizens of Serbia with the standpoint that „there is no democracy in small countries as long as the powerful countries dictate to them what to do“ (71%). This kind of a viewpoint reflects utterly unequal distribution of economic, political, military and other powers in the world and in principle brings into question the sheer possibility of introducing and implementation of democracy worldwide. However, this attitude explicitly formulated as such has not been the subject of empirical research in Serbia until now.

Taking into consideration serious challenges of economic and political developments that follow the citizens of Serbia from the beginning of transition, the spread of the more radical criticism of democracy is not surprising, which in the end results in almost divided public opinion regarding enouncing preferences towards the political system from the time of socialism or the time of the „transitional capitalism“, preferences towards single-party or multi-party system, the rule of a strong leader or a parliament. Thus for example, there are more citizens (42%) thinking that life was better in the time of socialism when there was only one party, than those (38%) who think that it is better now in the pluralist system, which reveals the reasonably relevant correlation of preferences of socialism, on one hand, and education and age of the re-

spondents, on the other, – the less educated and older the respondents are, the more they prefer socialism. Interconnection of education and preferences of the socialism is getting closer to statistically very important correlation ($C = 0.336$), whereas statistical relevance of interconnection between the age of respondents and their preferences of socialism is somewhat lesser, still however reasonably relevant ($C = 0.290$). The rule of a strong leader instead of a parliament is somewhat weaker (37% agree, having against them 48% of those who disagree), but what is indicative is that the rule of a strong leader in the mid of 1996 was preferred by less citizens (28%) (Mihajlovic 1999: 198) than at the end of 2010. However, no matter the certain deviations, the wish for the rule by a strong leader has been deeply rooted amongst a certain part of the citizens in Serbia, so even half of them think that „even democracy would develop faster should a state be ruled by a strong leader“!

Legitimacy of the System and Trust in Institutions as „Generators“ of the Process of Transition And The Democratisation of Society

Legitimacy of the political system shows support, and agreement of citizens with institutions and the way institutions function in accordance with their expectations, and many determinations of legitimacy refer to the main indicator of the system legitimacy and legitimacy of its institutions being the support, or trust of citizens in the system as a whole and its respective institutions³. Judging by that, systems of almost all countries in transition, even the system and its institutions in Serbia, face deep crisis of legitimacy.

Results of many studies on legitimacy of the political system in Serbia (and Yugoslavia earlier)⁴ refer to the conclusion that the “old” communist system was changed under the pressure made by difficulties of its own functioning, past the desires and expectations of the dominant political actors and people, most often as a consequence of the balance of political powers fighting to stay in power. Therefore, political institutions are not designed according to their original „logic“, the logic of a guarantor of the democratic structure of a state and development of a society, and of the rights of citizens to take part in decision making, but they are designed and function as instruments to keep parties in power: they are introduced, modified and cancelled in accordance with the needs of the political government and politics. Even the new

³ See for example, Easton, D. (1965), Lipset S. (1969), Tadić, Lj. (1988).

⁴ For example, Mihailović, S. (ed.) (1997), Slavujević, Z., Mihailović, S. (1999), Slavujević, Z. (2010).

Constitution of Serbia adopted at the end of 2006, based on the wide consensus of almost all the parties in the parliament and after it had been confirmed by the referendum, did not bring the establishment of the institutional design which, in addition to undisputed legality, enjoys full legitimacy. It turned out that the praised consensus of the relevant actors was not built on the logic of spreading the possibility to express the complexity of the interest structure of society, to channel and efficiently solve conflicts, through the institutions of a political system. On the contrary, it was built on an unprincipled compromise of the partocracy to preserve its own positions. Some institutional solutions that initially had a democratic potential were not applied, while other were changed quickly. Finally, today the demands from majority of political parties that only few years ago praised the Constitution and voted for it, are more and more frequent to urgently change it! All in all, even the redesigned institutional arrangement is not able to make the integrative function and mobilise the support of citizens. According to the public opinion research results, the system in Serbia is facing deep crises of legitimacy after 2006 as well. It is also confirmed by the results of the research from mid November 2010 on a whole set of indicators, with two key indicators being highlighted here: first – the evaluation of democratism of the political system in Serbia, and second – the trust in the system institutions in Serbia.

Democratism of the political system in Serbia – The system in Serbia is democratic only to every sixth citizen (17%), non-democratic to the same number (18%), while the absolute majority considers it „mixed“, or both democratic and non-democratic (53%), with 11% of those who cannot say. Correlations between ratings of democratism of the system in Serbia and socio-demographic features of the respondents are not relevant, however correlation with party preferences ($C = 0.420$). The system is deemed democratic mainly by the members of the strongest ruling party (45% of DS supporters, although a bit more of them deem it mixed – 48%), most supporters of other parties, abstinees, and the undecided consider it mixed (from 77% of G17 Plus supporters and 73% of LDP supporters to 47% of SNS supporters), while it has been evaluated non-democratic most often amongst the opposition parties supporters SRS (45%) and SNS (34%). Such evaluations of the system do not represent a progress compared to the time of S. Milosevic. In the mid 1996, almost fifteen years ago, almost the same number of respondents (16%) considered the system in Serbia democratic, and a bit more than today non-democratic (23%) (Mihailovic 1997 : 158). It could be useful to remind that it is about citizens' ratings of the system and not its real structure and way of functioning, it is about evaluations

that are based on the more developed criteria for evaluation on democracy, however results as such are always warning.

Trust in the system institutions – An average trust in institutions on scale from 1 to 5 does not even reach the average value of 3 which indicates an ambivalent ratio, but it is between answers „there is mostly no trust“ and „there is and there is no trust“.

General average		2,68
I	Average for state order institutions (Serbian Armed Forces, police and judicial system)	2,98
II	Average for civil society institutions (religious organizations, media, unions, employer associations, NGO)	2,66
III	Average for political institutions (President of Serbia, government, parliament and political parties)	2,49
1.	Serbian Armed Forces	3,30
2.	Police	3,18
3.	Religious organizations	3,12
4.	Media	3,02
5.	President of Serbia	3,00
6.	Unions	2,49
7.	Government	2,48
8.	Judicial system	2,46
9.	Parliament	2,38
10.	Employer associations	2,35
11.	NGO	2,34
12.	Political parties	2,11

Ranking of institutions according to distrust/trust of citizens⁵

⁵ The rank was made based on the average value obtained by pondering of answers “Have high trust” with 5, “Mainly have trust” with 4, “Undetermined, dont know” with 3, “Mainly do not have trust” with 2 and “Have no trust at all” with 1, followed by dividing the score with the total number of answers.

Ranking of institutions according to the positive/negative opinions⁶ shows similar picture.

Institution		Trust	Distrust
1.	Armed forces	55	26
2.	Police	52	32
3-4.	Religious organizations	46	33
3-4.	Media	46	33
5.	President of Serbia	46	37
6.	Government	25	55
7.	Judicial system	24	56
8.	Parliament	23	58
9.	Unions	19	47
10.	NGO	16	52
11.	Businessmen associations	12	51
12.	Political parties	12	68

Ranking of institutions according to trust, or distrust of citizens (% of the total number of respondents)

Only two institutions – army and police, both institutions of order, enjoy absolute majority, and three institutions – religious organizations, media and the president of Serbia relative majority of trust of citizens. Other 7 institutions, including all the political institutions (except for the president of Serbia) face the absolute majority distrust. Trust toward institutions is in a strong correlation with party preferences of respondents (contingency coefficient ranges between the high 0.497 in the case of the president of the Republic to 0.303 in the case of judicial system), while the interconnection of other socio-democratic features and trust in institutions is not relevant.

The extent of citizens' distrust toward political institutions from this research is worrying, but this information is a bit more favourable compared to the results of a research conducted by CESID in mid 2010,

⁶ Positive opinions is the sum of the answers „Have high trust“ and „Mainly have trust“, negative opinions is the sum of the answers „Mostly no trust“ and „No trust at all“, and undetermined is the sum of the answers „There is and there i no trust“ and „Dont know“, and these answers make up the difference to 100%.

two months earlier. The general average of trust toward institutions has not significantly changed, however the changes have been noted in the shown dis/trust toward certain political institutions – according to the results of the CESID research, trust toward the president of the Republic was lesser for the whole of 18%, toward the parliament for 9%, and the government for 5%⁷. It is about differences which overcome the standard sample error, therefore assuming that both field researches were correctly conducted, the more favourable evaluations of the political institutions could be of a situational nature – part of an explanation for these differences could be found in some political developments that took place during those two months between the two studies, although their impact could not have been unambiguous either.⁸ Still, having in mind a general diffuse dissatisfaction with the situation in the society and the republican rule during the IDN research in November (71% of respondents), dissatisfaction with the future prospects (72%), with personal financial situation (76%) etc. as well as the worsening of economic and social situation at the end of 2010, in relation with the certain increase of trust towards political institutions from September to November 2010, are a dilemma. This especially because the vast majority attributed the responsibility for the situation in the society to the actual authorities (72%), far less than the global economic crisis and pressures from the EU and USA (6%, and 5% respectively). Therefore this certain increase in trust could be interpreted more like an unexpected conjunction oscillation rather than the turnover of a longer term trend of decrease in trust towards institutions and delegitimisation of the system.

7 More on the results of CESID research in: Slavujević, Z. (2010) „Institucije političkog sistema – umesto simboličkog izraza prava građana da vladaju, sredstvo vladavine nad građanima“. In: grupa autora, *Kako građani Srbije vide tranziciju – Istrazivanje javnog mnjenja tranzicije*. Beograd: FES, CSSD, CeSID, pp. 59-70.

8 From mid September to mid November 2010 the following developments could have lead to differences in evaluations of the president of Serbia and other political institutions: The Council of Europe forwarded Serbias application for the EU membership to the Commission for accession, which came across a strong media publicity, although the authorities still hid the letter with EU objections on the reform of justice system; support given by the authorities with regard to "The Pride parade" and the events taking place around the „Parade“ could have had a strong, but also controversial effect on public opinion; bringing the Declaration of the parliament on condemning the crimes against Serbs could also have had controversial consequences, however forming multiethnic local authorities in Bujanovac municipality could have had positive impact; recommendation to Serbs not to participate at the elections in Kosovo and Metohija came across mainly positive response in Serbia; positive impact on part of supporters of the ruling parties, electoral undetermination and absences could have had preparations for holding the Election assembly of DS and panegyrics of B. Tadic, the partys only candidate for president, as a head leader in the region, or intensive campaign of DS „from door to door“ in Vojvodina etc.

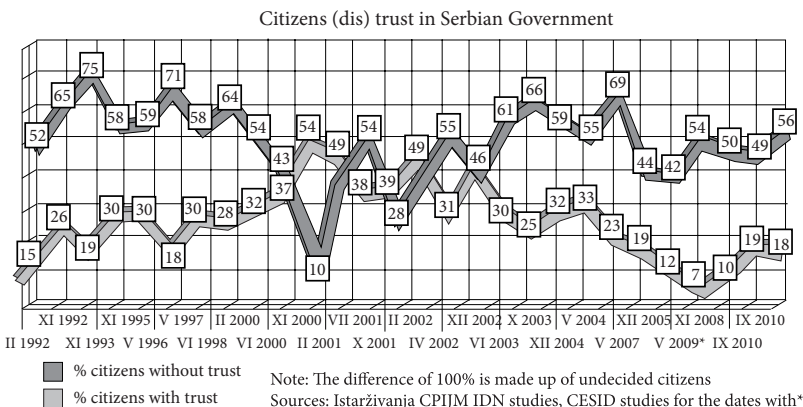
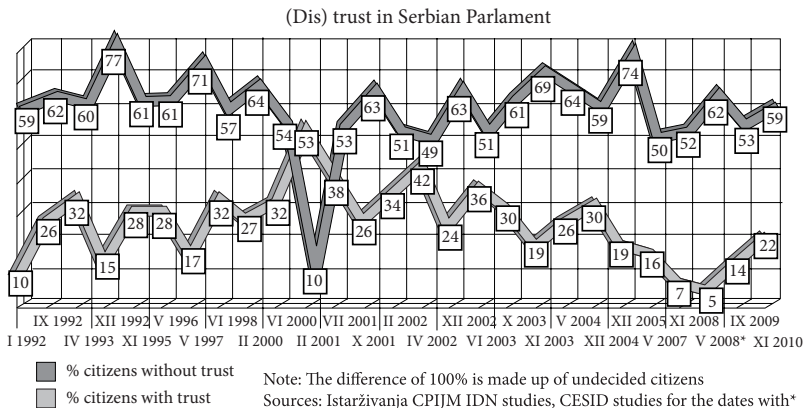
During the ten years of roaming through transition the „democratic“ authority struggled between the demands posed by the so-called international community on the path of European integrations and harsh economic situation, pressures from monopolists and tycoons, as well as the open social dissatisfaction of citizens belonging to wide range of social levels⁹. But, although the so-called disciplinary function of crisis has been recognized in the world on many occasions, it has also been recognized that deep and wide dissatisfaction can unannouncedly take devastating forms as far as material goods, institutions, and state order, as well as the eminent personal proponents are concerned.

When it comes to distrust/trust of citizens toward certain institutions, the institution of the president of the Republic has been, from the beginning of multi-party system, facing lower or higher deficit of legitimacy, so it has always been disputable whether this institution has the capacity, regardless of how hard the proponents of such function tried, to be the real inspirator, initiator and guarantor of a successful transition. After all, according to the results of IDN research from November 2010, trust towards the president of the Republic is only just prevailing over distrust (46% : 37%). Besides, the distribution of trust and distrust towards the institution of the president of the Republic has

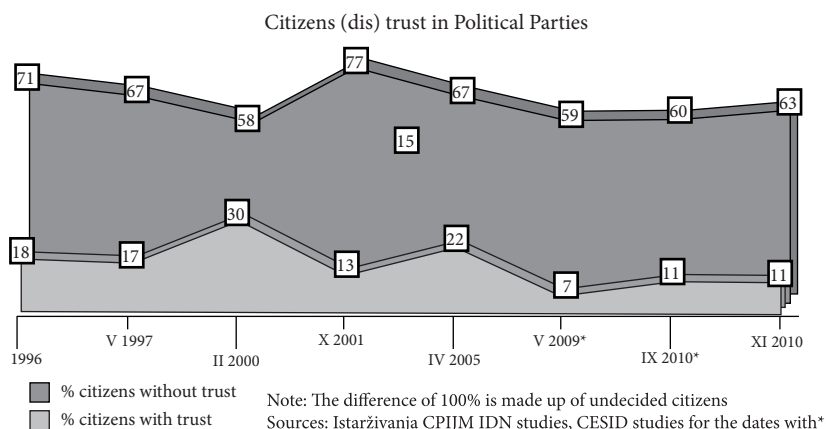
9 This wandering has many forms of appearance: handling the regulations in the time of Z.Djindjic due to constitutional and legal framework inherited from the time of S. Milosevic; suspicious privatisations and numerous corruption affairs without any political will to question at least the most drastic cases pointed out by the controlling bodies; announcement of Kosovo's independence, perking up with the politics of „Both Europe and Kosovo“ and its own proposal of UN Resolution on Kosovo, and then taking side of the EU dictatorship and submitting significantly changed „joint“ proposal; passing anti-constitutional laws; passing many laws by use of emergency proceedings and their even more urgent changing; radical changes to the government draft bills by means of amendments of the government itself or by members of the ruling majority at the parliament assembly; an attempt to discipline the media by passing the Public Information Law with draconic financial penalties even with the EU warnings, and then changing it only after repeated warnings; the judicial reform and general election of judges which came across criticisms by expert public from the beginning, to have its revision promised only after the determined intervention by the EU; contradictory announcements of changes to the tax system, adoption of decisions that the minister of finance, by her own words, could not recognise; public announcement of free legalisation of illegally built facilities, and then giving up on it after the pressure from the EU; confusion in the public regarding non/presence of the Serbian representatives at the Nobel Peace Prize award ceremony in 2010; scandal with the sale of NIS to the Russian Gazpromneft without tendering process, in direct sale below cost, stopping monopoly on fuel importation, but also introducing double excise duties by law, and privileged excise duties for domestic fuel, and changes to the law under the EU pressure due to violation of equality of all the subjects on the market, whereas the Government hid the changed annex to the contract on sale of NIS to the Russians, in which it obliged itself to provide this company with better position on the market by 2012, a symbolic increase of salaries in the public sector and pensions that the inflation overcame several times even before the first increased payments etc.

been strongly connected with party preferences ($C = 0.497$). The whole of 94% of DS supporters, 88% of G17 Plus supporters or half of LDP supporters express their support to the president of the Republic, but supporters of opposition parties express majority of distrust towards him, as well as abstinees and those that are partywise undetermined. Hence, the president could not even consider to be the „president of all the supporters of the ruling coalition parties“ as more than half of SPS, JS or SPO supporters do not express trust toward him, so a stereotype of „the president of all citizens“ used by the media in such a way is unfounded.

It is no consolation that the institution of the president of the Republic is rating somewhat beter than other political institutions, because all of them all the time, including the time of this research, are illegitimate: only every fourth citizen trusts in the government, and every fifth trusts in the parliament!



Further on, political parties represent actors that, according to the election results, constitute state bodies, provide personnel for state functions, „feed“ institutions with initiatives to regulate relations in a society in a certain way and the like. In one word, the state rests upon activities of parties that, with the help of the state, establish very certain allocation of resources in the society, so if every eighth citizen trusts in parties, if distrust towards them is almost six times more expressed than the trust, if rating of these political institutions is hopelessly low throughout the entire existence of the multiparty system, what kind of foundations does the state rest upon?



An unfavourable picture is completed by unfavourable data of dis/trust of citizens in the civil society institutions that are normatively important for the civil society concept and modern democratic state functioning, by union data, employer association data, NGO data. All this refers to the conclusions that low integrative potential of political institutions, causing the low capacity of political institutions as inspirators, initiators, spokespersons, promoters and implementors of reforms in society, and above all mobilising forces of numerous social actors. That is why it is difficult to more precisely identify a political institution that used to be and could be in the future the so-called institution-locomotion, a sort of a generator of wider consensus in designing changes and general guarantor of their implementation. Institutions of state order (for example armed forces or police) or some of the traditional institutions of civil society (such as the church) obviously can't be the generators of transition processes, only their supporting pillars. It is quite uncertain whether the institution of the president of the Republic is the institution that more or less can be the so-called institution-locomotion.

tion, although it is mostly mentioned as the institution of the highest trust (16% of respondents). Nevertheless, diffusion of the view of the state president as the institution of the highest trust is in a very significant correlation with the party orientation of respondents ($C = 0.594$), so a certain dichotomy is established in which the absolute majority of election supporters of DS or the relative majority of G17 Plus supporters most often mention this institution as the institution of the highest trust, while supporters of other parties of the ruling coalition, opposition parties, abstinees and electorally undetermined express their highest trust in the Armed Forces of Serbia or church, or have no trust in any institution. In other words, although the institution of the president of the Republic comes first as the institution of the highest trust, due to the strong party conditionality of distribution of dis/trust in it, it is obvious that it does not figure as an integrative institution, therefore its potentials like the potential of the so-called institution-locomotive of the transitional and democratic changes are very limited.

Political and Social Activism as the Path Toward Including the Citizens of Serbia in the Decision Making Processes

When expressing their opinions regarding obstacles on the way to the more successful solutions of the problems in society or local communities, respondents rarely mention political passiveness of citizens (less than 1% in the first and 5% in the second choice). Statements of some respondents that a great number of citizens has experience with various forms of political and social employment confirm that citizens are entirely passive.

Expectedly, more than three quarters of citizens attended the polling stations and voted, having in mind that around 3-4% of the 17% who did not participate at the elections are persons who only after the elections in 2008 reached the age of adulthood and got the right to vote. Of course, these data do not tell of the frequency of practising certain forms of activism, but whether the respondents, generally speaking, ever participated and have any experience with them. According to the statements of the respondents, at the latest parliamentary elections on 11 May 2008, 25% of them did not vote, including 18% of those who answered that they don't remember or didn't want to answer this question, and 3-4% of those who did not have the right to vote, we get approximately exact voting turnout (61%). Otherwise, as reasons for not voting the respondents most often mention dissatisfaction with all parties as they only fight for the power (6%), disinterest for politics

Forms of activism	Practiced	Not practised
1. Voting at elections	83	17
2. Activities in the local communities	50	50
3. Political gatherings, meetings, tribunes	45	55
4. Discussions on politics and convincing others	32	68
5. Union or employer association membership	29	71
6. Participation in demonstrations, protests, blockades	29	71
7. Party membership	21	79
8. Letters to media and authorities	15	85
9. School board membership	14	86
10. Financial contributions to parties	11	89
11. NGO activity	7	93

and being unable to vote due to objective reasons (5% each). The data obtained on practising other forms of activism as well, are quite favourable. First of all and quite unexpected, the information that half of the citizens participated at voluntary activities in their places of residence is very favourable, or that almost the same amount of them (45%) attended political gatherings, party meetings and conventions, tribunes and alike. Even bigger surprise is the finding that every fifth citizen is a member of a political party. This, according to the Western standards massive membership in political parties, can as far we are concerned be interpreted not only as a recidive of socialisation in the times of socialism, the times of massive political organisations, but as an experience gained in the recent times – membership in a party is very often rewarded with various privileges – from getting employed, thought quick professional and social promotion, to other material benefits. Quite high percentage of those who participated in demonstrations, street

protests, sieging facilities, blockading roads, strikes etc. is not unexpected (29%), considering turbulent developments since the multiparty system has been introduced, especially great dissatisfaction of citizens all the time with suspicious privatisations, harsh economic situation, low standard and alike. Even with all that, relatively high percentage of those who are union or employer associations members is unexpected (29%). On the other side, it is quite a surprise that only every third citizen had discussions on politics and convinced other people in correctness of his/her certain political views, to vote for a certain political option and alike, taking into consideration the widespread impression that politics deal with us on daily basis and therefore it is the unavoidable subject of conversation in almost every place and every occasion. Writing letters to state and party authorities and media (15%), as well as donating financial contributions to political parties (11%) as a form of political activism are not popular, even though it can be rated that there is a relatively high percentage of those who were engaged with school board activities (14%)! Finally, a very low number of those who were engaged with NGO activities (7%) confirm that these organisations still have not found their place in the society.

Readiness to practice certain forms of political and social engagements in the future is somewhat higher than their practicing so far. Hence, for example, only 5% of the total number of respondents do not express readiness anymore to engage with activities in their places of residence, however half of those who have not practiced this form of activity are willing to activate (25% of the total number of respondents). Or, 9% of respondents – members of unions and employer associations plan to drop the membership, but 14% of the total number of respondents – those who have not been members so far are willing to join the membership. Even more expressed is the readiness to engage with NGO activities (in contrast to 1% of those who are dissatisfied with this form of engagement 15% of those who have not been engaged so far are willing to get activated), especially in school boards (instead of 3% of the dissatisfied, the willingness to engage is expressed by 29% being passive so far). Such an expression of willingness, however, can be attributed in good part to giving socially favourable answers. Otherwise, practicing certain forms of activism and willingness to their practicing so far is not in a statistically significant correlation with the basic socio-demographic features of respondents, except for there is a moderate correlation between voting at elections and age – the youngest category from 18 to 29 years of age voted below 50 %, while with the increase of age the percentage of voters increased as well ($C = 0.362$). Practicing various forms of activism, however, is in a more moderate

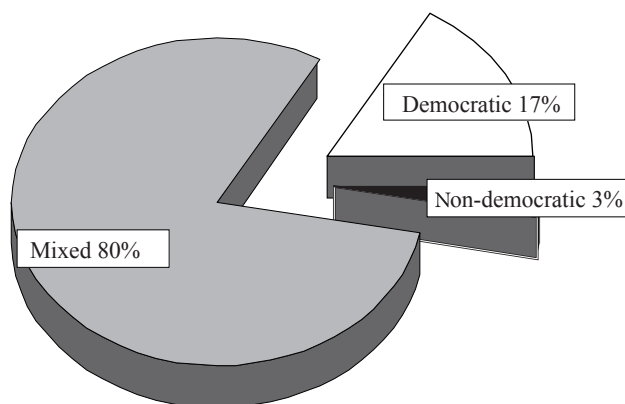
correlation with the election orientation – more active and willing to be engaged are respondents with the shaped election orientation compared to abstinees and undecided voters. And, quite expectedly, very significant is also a correlation between election preferences and two special forms of activism – voting at elections ($C = 0.638$) and membership in political parties ($C = 0.458$).

All in all, when index of proactive and passive orientation¹⁰ is made up, a very unfavourable picture is shown: a half of it are passive (51%), a third are undecided whether to activate or not (34%), while only every seventh falls into a proactive (14%) population. Some sort of consolation could be the fact that this index equilibrises all forms of activism, although significance of each one of them respectively is not equal.

A few final statements in the end. Citizens of Serbia attitude toward democracy is extremely ambivalent. Option for democracy as the best form of government, regardless of all the shortcomings, as well as acceptance of some elements of the general notion on democracy, such as inclusion of citizens in decision-making processes, protection of minority rights or connection between democracy and better living conditions, show acceptance of democracy at a normative level. However, at a level of rating the preconditions for the development of democracy and what has been achieved in the development of democracy, negative views prevail. Banal is a statement that such views represent the expression of disapproval because of many bad experiences from the practice so far, whether on a international, or internal political level. Far more important is an implication that such a longterm expression of unfavourable attitude of the citizens of Serbia toward a number of concrete aspects of democracy establishes a credible basis for principled dispute of democracy as a system. This is pointed at by a summary showing that a half of the inactive citizens, and citizens who do not even think of getting employed, to what extent a confusion amongst the citizens of Serbia is present regarding pro-democratic, or non-democratic orientation, is illustrated by the structure of the citizens of Serbia based on the index of non/democratic orientation¹¹:

10 Index was come up by recoding the answers on 11 questions of practicing so far and willingness to practice in future all forms of activism, as well as answers to the question of voting at the last elections and the question of intention to vote in the upcoming parliamentary elections (the score within range of 13 to 49), the citizens of Serbia are classified into proactive (from 13 to 24), undecided in terms of willingness to practice certain forms of social and political arrangements (from 25 to 37) and passive (38 to 49).

11 Index was come up by recoding the answers (1 – pro-democratic orientation; 2 – ambivalent and 3 – non-democratic orientation) to 29 questions that looked for the views of respondents on certain elements of democracy, ratings regarding its development and functioning, as well as expression of willingness for certain forms of political engagements.



Regardless of all the problems with the system and functioning of institutions, it would be simplified to say that, in the case of Serbia, it is about some „corrupt“ politicians who can hardly wait for the opportunity to deceive their „good“ citizens. Their existence and multiplication is very much served by a tough „resistance of material“, a number of hard, structural factors – a backward and dead economy, growing unemployment, *over-indebtedness* of the state, lack of investments for starting the economic process, unfinished insitutionalised arrangement, unsuitable political, economic and social ambient, incomplete modern regulatory patterns of governing the economy and society, establishment of speculative rather than entrepreneurial mentality, the prevailing psychology of hopelessness in which demagogues profit. It is followed by extremely unfavourable impact of the international environment, constant and unprincipled conditioning of the authorities in Serbia by the most powerful members of the international community, even straightforward blackmailing, which produce strong internal tensions. The entire international community is organised to function on the basis of multiplication, even on the increase of economic, technology, communication, military and political inequality. Organised as such, it justifies its military interventions and bombardments thoguhtout the globe also with the supposed care to establish „democratic orders“, to „protect the human rights“, to „prevent humanitarian catastrofies“ and alike. However, the most powerful countries acting under the mask of

Respective scores (from mininum 29 to maximum 87) are classified in three fields of the same range, or the respondents are classified in the field of democratic orientatione (from 29 to 48 points), in the filed of ambivalent attitude toward democracy (from 49 to 68 points) and in the field of non-democratic orientation (from 69 to 87 points).

the international community in fact and conceptually destroy the possibility of establishment and functioning of democracy not only at the international level, but also at the internal level of the weaker states, and then democracy in general, democracy as a value, as a system of institutions and a set of patterns for behaviour of institutions and people. In that regard, the citizens of Serbia have no illusions: development of democracy is not possible in unequal and non-democratic international relations, nor could the so-called developed democracies of the West be the role model for others. Anyway, what to think at all about the „sovereignty“ of the state of Serbia and „democracy“ in Serbia when the EU determines the state borders and designs the laws, Hungary regulates the issues of restitutions, Turkey resolves religious disputes, Russia leads energy and party politics...

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The Renewal of Serbistics

Introduction

It is known, from the researches conducted by many public opinion agencies, that most Serbs and other citizens of Serbia are inclined towards Serbia's accession to the European Union. However, things have gone a step backwards today compared to the nineties; no one in the Serbian politics, or in the key national institutions, such as the SANU (Serbian Academy of Sciences and Arts), Matica srpska and others, is even trying to conduct the analyses of Serbian defeats, to face the wrong ideas of Yugoslavism and Yugoslav politics and state. Without scientifically based and critical analyses of the status of Serbian nation and its state's state constituencies, no further European integrations are possible. In other words, until the time when the Serbian political and intellectual leadership is finished with the Yugoslav era of its history, and realize and correct all the historical forgeries and counterfeits it was based on, the European integrations on an equal basis and by European standards will not happen. It is likely that the Serbian leadership, for the umpteenth time in the recent history, cannot overcome the excess history which, in the Balkan's „barrel of gun-powder“ has always been too much.

The Serbs have to answer the question of what happened to the Serbian national identity in the Yugoslav state to themselves first; do the European standards for entering „the family“ of the European nations, based on the linguistic definition of a nation, also stand for the Serbian people, being multi-confessional such as some other European nations (Germans, Hungarians, Albanians etc.).

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Today, a humiliatingly great number of the Serbian people, including educated Serbs, doesn't have a basic knowledge of the Serbian language, in fact they don't know which language they speak: Serbian, Serbo-Croatian, many will say. In the recent times, also Bosniac/Bosnian, Montenegrin, soon maybe the language of Vojvodina as well. Many a Serb will say it is the same language and that it is irrelevant whether it is called Croatian, Bosniac/Bosnian, Montenegrin, not realizing that it is not so and that for the reasons of linguistic forfeiting, or „renaming“ the Serbian language, division of the Serbian people on the religious background took place, which was the presumption of breaking up the Yugoslav state and creation of anti-Serb satellite state-like constituencies. On religious basis, as the „national watershed“, synthetic nations have been created on the Serbian ethno-linguistic territory.

None of the Serbian political establishment, from Milosevic to Tadic, realized that the Serbs have their own national programme as well, and the fact that this programme is based on the Serbian language. Not being able to realize that caused all the failures of the Serbian side in the war led for „the Yugoslav heritage“.

Serbian Idea of Yugoslavism

It is the programme the Serbs used to have in the pre-Yugoslav period and the one they have to renew in the post-Yugoslav times. It is basically a philological programme. It primarily deals with the identity of Serbian language, Serbian literature, national tradition, and national origins of the Serbs. A philological discipline that studies the mentioned phenomena is called – Serbistics. Just as the philologies of other people study their languages, literature and the identities, Serbistics study Serbian language, Serbian literature and identity of Serbian people.

Serbistics is, in fact, a national programme founded on the idea of Saint Sava, Dositej and Vuk, and the European philological and Slavistic idea. It is the programme of „Srbi tri zakona“ (Serbs of all three religions) by Vuk.

Modern Serbian state has been, from the time of Karadjordje until today, since its foundation, tragically ideologically divided between the West and the East, between Europe and Russia. By the same formula, dynasties in Serbia ruled and interchanged. It went on until the Yugoslav period. However, what is important to mention is that in the pre-Yugoslav period the Serbs were aware of the Serbian linguistic-ethnic community. It was a Sveti Sava – Dositej – Vuk Serbian linguistic para-

digm that also created a Serbian idea of South-Slavism. Amongst the Serbs, this idea was most consistently advocated by the champions of Matica Srpska Teodor Pavlovic and Jovan Subotic, and it was generally accepted by the Serbian social and political elite until the World War I. What did this idea consist of? Pavlovic and Subotic highlighted the fact that there were four similar South Slavic peoples: the Slovenes, the Croats, the Serbs and the Bulgarians, different by their languages. This language uniqueness did not prevent them to establish cooperation and cultural, even political closeness. However not a political, especially not an ethno-linguistic unity was established. This idea was also supported by Prince Mihailo, as well as the leading Serbian scientists and politicians in Serbia: Stojan Novakovic, Ljubomir Stojanovic, Nikola Pasic, Milovan Milovanovic, Slobodan Jovanovic and others. Pavlovic – Subotic's South Slavic idea successfully confronted Strossmayer – Jagic's paradigm of Yugoslavism and Serbo-Croatistics.

The Serbian idea of Yugoslavism based on Vuk's philology programme about „Srbi tri zakona“ and the linguistic differentiation of Serbs and Croats, existed until 1915 (Nis Declaration of Serbian Government), and then the Strossmayer – Jagic's idea of „one three-name people“ mastered the Serbian social and political elite. It was accepted by Stanoje Stanojevic, Aleksandar Belic, Jovan Cvijic, Jovan Skerlic. Skerlic suggested in 1913 that the Croats should accept Ekavica dialect and that Serbs should accept the Latin alphabet. Cvijic supported Garasanin's standpoints that a small country was not sustainable in the Balkans. Slobodan Jovanovic thought similarly. The reasons asserting the Serbian state directed them to the creation of South Slavic state.

Even though scientifically based and compatible with the European Slavistic ideas of Fihte, Herder, Dobrovski, Kopitar, Miklosic, Safarik, Dositej and Vuk, the Serbian idea of Yugoslavism was abandoned first in the philological and later on in the political field.

Croatian Idea of Yugoslavism

In no case is philology so related to the geopolitics and instrumentalized for geopolitical purposes as in the case of the Croatian, ie. Austro-Croatian projection of Illyrianism and Yugoslavism, and Serbo-Croatian lingual- ethnic phenomenon.

In no case has geography made such a determinative influence on political ideas and state politics, as it is the case with Croatia. A geographic factor here is identified with the state reason. Therefore „geo-

politics is an impulse for Croatia more than for other South Slavic peoples“. Because it cannot spread to the North and West, Croatia is striving towards the East, ie. the Serbian ethnic territory. A paradox of the Croatian geopolitics is consisted in an aspiration of the Croats to politically bind themselves to the West, and at the same time territorially expand to the East. It was influenced by the shortcomings of the geopolitical position of Croatia, as well as the age-old aspirations of the Roman Catholic Church towards Orthodox Balkans, but also by the weakness of the Serbian philology and politics in the last century and a half. On such basis Illyrianism of Ljudevit Gaj and Yugoslavism of Josip Juraj Strossmayer emerged. These ideas and movements, based on a „Croatian historical and state right“ and Croatian „political“ nation, were directed toward unionism, catholicizing and croaticizing of the Serbian people in the western Serbian countries and towards creating religiously homogenic and ethnically clean Great Croatia.

With Illyrianism, the Croats abandon their language and take over Vuk's Serbian people's language and declare it the literary language of the Croats; and so they come into an unbreakable relationship with the Serbs. The movement had extremely geopolitical connotations; its aim was creation of a geopolitically distinct and sustainable Croatian state. Both Gaj's Illyrian as well as Strossmayer's Yugoslavian ideology were geographically determined, in function of deleting Serbo-Croatian ethnic borders and conquering Serbian ethnic territory. With their political and territorial aspirations, the Illyrians continue spreading the ideas of the Great Croatia of Pavle Riter Vitezovic, whose „Croatia rediviva“ became the obligatory literature and instructions for the work of Gaj, Starcevic, Strossmayer, Jagic, Kvaternik, Franko, Supil, Pilar, Trumbic, Radic, Macek, Pavelic's Ustaše and their „Croatia sacra“, to Tudjman and his nearly ethnically clean Croatia. All of them called on „Croatian state and historical right“ and a thesis on Croatian „political“ nation when creating Croatian geopolitical „optimum.“ They negated the Serbian language, Serbian name and Serbian people west of the Drina river, and they differed only by the method of fight against the Serbs.

And so with the Illyrianism, which started with „throwing the Croatian language out of the window“- as Miroslav Krleža used to say, and taking on Vuk's Serbian language, the Austro-Croatian geopolitical project of the three-county Kajkavica dialect speaking Croatia coming out on the Serbian linguistic and ethnic territory was formed.

With Illyrianism, the first historical encounter between the Croats and the Serbs occurred; that encounter also signified their mutual conflict, that has lasted until today. What Gaj didn't manage to realize, due to the opposition of the Serbian national institutions and the conscious

individuals, Strossmayer's Yugoslavism and Jagić's philologic Serbo-Croatistic project did. Both Strossmayer's Yugoslavism and Jagić's model of Croato-Serbs, identical by language and different by religion, were marked by extremely Croatian characteristics.

This state-building project of theirs was interfered with, as a „disturbing factor“, the Serbian people with a clear national awareness, politically mature and constitutional. With the help of the Viennese Court and the Roman Catholic church all Roman Catholic Serbs became Croats, others were assimilated or killed during the 20th century Croatian genocidal over the Serbs, which was completed by the ethnic cleansing and biblical exodus of the Serbs from the Republic of Srpska Krajina and Croatia between 1990 and 1995.

Until the Illyrian Movement, the Serbs and the Croats had lived separately, each on their ethnic territories; they were different by their languages: the Croats spoke their Kajkavian Croatian, and the Serbs their Stokavian Serbian language. With Illyrianism, Austria tried to prevent the Serbian idea and carry out de-Serbianisation of the Serbian people in its territory, in times when the Principality of Serbia, as a priority of its foreign policy, focused on liberation and unification of the Serbs under the Turkish and Austrian rule. The Viennese court and the Roman Catholic Church tried to keep the Croats as a separate popular community, to reinforce them at the expense of Serbs and use them as a tool for accomplishing their geopolitical interests and missionary and proselistic goals. That course in the Croatian politics became visible especially after the First Catholic Congress that took place in Zagreb in 1900. Since then, the Croaticism is organized on the Catholic basis; at that Catholic – Croatian gathering the decision was made that all the Serbo-Croatian speaking Catholics and truthfully the Serbian speaking Catholics had to be considered Croats.

The Croatian idea of Yugoslavism is therefore significantly different from the Serbian idea. Its main political protagonists were Ljudevit Gaj and Josip Juraj Strossmayer, and as far as philology is concerned, it was Vatroslav Jagić. By its nature, it relies on the idea of the Great Croatia of Pavle Riter Vitezović (1652-1713). In a more extreme form, Riter's thesis was most consistently represented by Ante Starčević „The Father of the Homeland“, whose denial of the Serbs and the call for their eradication had a massive support in the Croatia society in any turbulent time.

When we say that the Croats took over Serbian language, we take into consideration the following facts. Ljudevit Gaj (1809-1872), who spoke Kajkavian dialect, started publishing his *Novine horvatske, slavonske i dalmatinske* and its supplement *Danica* in 1835 in Croatian, ie. Kajka-

vian dialect, and then, after only a few published issues he changed to the Illyrian, therefore the Stokavian Serbian language. When the Viennese Court forbade the Illyrian movement in 1843, the Strossmayer's idea of Yugoslavism came out on stage. Croatism takes place of the Illyrianism; it became an „heir“ of the Illyrian idea; everything that had the Illyrian name, starting from the language, literature, cultural and public institutions now gets the Croatian name and content.

Josip Juraj Strossmayer (1815-1905) preached Yugoslavism, which was completely different from the one preached by Pavlovic- Subotic, and it had a strong signet of Austrian and Austro-Croatian interests. For the purposes of the re-organized Austria as the federation of various nations, Strossmayer also planned to include Yugoslavs consisted of three tribes: the Slovenes, the Croats and the Serbs, who were supposed to be the third federal unit of a state pictured as such. Zagreb was supposed to be the centre of such created Yugoslav community. Strossmayer excluded the Bulgarians from this South Slavic community as they were not part of the Habsburg Monarchy. Strossmayer used to say that it was one people, that the Serbs and the Croats have one people's language (which would have meant that the Croats spoke Kajkavian and Stokavian dialect, and the Serbs Stokavian and Kajkavian, which was totally random and untrue), that they strive to achieve political unity (which was also untrue). His theses were under a strong influence of geopolitical standpoints. Strossmayer was preoccupied with the issue of the Croatian territory. Territorial integrity and sustainability for him was the most important geopolitical task, because „every state cares immensely for its territorial integrity, and I am asking you, where do many disputes, many lasting wars come from? That is why territorial integrity was kept and defended by duty“ (Strossmayer-Racki, 1971:133). Strossmayer's moto was a complete catholicizing of the Serbs, and not only the „Austrian“ Serbs but also those in Serbia, as argued by the latest book on the bishop Strossmayer by the academic Vasilje Krestic (Krestic 2006). His Yugoslavian idea had two tasks, within the same goal: firstly, to spiritually unite the Serbs and the Croats within the Roman Catholic church, and then to Croatise Serbs based on the language they had in common with the Croats.

Vatroslav Jagic (1838-1923), the greatest Croatian philologist, who was involved in politics as much as in academia, supported Strossmayer's idea of Yugoslavism and advocated a thesis efficient as far as Croats were concerned, however confusing and non-academic. „In an extensive article called Jugoslaveni (The Yugoslavs) Jagic outlined that Croato-Serbs, or Yugoslavs, are one people, as they speak one language consisted of three dialects: Cakavian, Kajkavian and Stokavian. Since

Slovenes speak Kajkavian, they are also Yugoslavs. Jagić, however, did emphasize that the Serbs and the Croats, even though one people by the language, are in fact two people, different by their religion, therefore all the Catholics are Croats and all the Serbs are Orthodox. So he proclaimed that the Serbian and Croatian national identity is marked by religious affiliation, because it was in the interest of the Croats. According to Jagić's project, the common national language of the Serbs and the Croats, Serbo-Croatian, rather Croatian or Serbian ie. Stokavian, was supposed to be divided on Ekavian (the Serbian part) and Ijekavian (the Croatian part). These Jagić's views were brought to life in Tito's time by the Novi Sad Agreement, 1954 (Milosavljević 2003: 19-20).

Jagić's taking over Serbian language and forging it into Croatian language was completed at the end of 19th and the beginning of 20th century. It is testified by the two books: *Hrvatski pravopis* (Croatian spelling) by Ivan Broz (from 1891, for which the author admits was done on the corpus of Vuk Karadžić and Djuro Daničić), *Gramatika i stilistika hrvatskog ili srpskog jezika* (Grammar and stylistics of Croatian or Serbian language) (from 1899, also done on the corpus of Vuk Karadžić and Djuro Daničić) and *Rjecnik hrvatskog jezika* (Dictionary of Croatian language) by Ivan Broz and Franjo Iveković (based on the corpus of Vuk Karadžić, Djuro Daničić, Njegoš and Milan Dj. Milicević). So, the Croatian authors themselves wrote in Serbian, and then openly forged the truth giving the Serbian language a Croatian name. Serbian language remains to be Serbian language, regardless of who speaks it and regardless of national identification one is determined by.

The Serbs resisted Croatian Illyrianism, which in its basis was the idea of the Great Croatia, but did not resist Strossmayer's Yugoslavism and Jagić's Serbo-croatistics – the main followers of the Illyrian idea, being the Austro-Croatian geopolitical project (Subotić 2007: 150-183).

Sins of the Serbian Philology and Politics

One cannot claim that there were not Serbian intellectuals and politicians who pointed out to the Croatian politically-territorial pretensions at that time. It was done by: archpriest Ruvarac, in his well known writing *Evo, šta ste nam krivi* (Here, what you are to be blamed for), Milovan Milovanović: *Srbi i Hrvati* (The Serbs and the Croats), and also in the articles under the same name by Nikola Stojanović and Nikola Pašić. The Serbian government got into the war with the Yugoslav programme, ie. with the goal of liberating unfreed brothers, the

Croats and the Slovenes and unification into a common Yugoslav state. However, Serbian social and political elite did not entirely see through the Croatian political mentality and did not take into consideration religious differences. They neglected messages and decisions made on the First Croatian Catholic Congress held in Zagreb in 1900, where the decision was made that all the Serbian speaking Catholics were to be considered Croats. They did not seriously take into consideration anti-Serb demonstrations of the Croatian right movements followers and clero-furtimegns in 1892, 1895, 1902, 1905, and then in 1914, which represented the unbroken chain of genocidal actions towards the Serbs, which would culminate in NDH (the Independent State of Croatia) during the World War II, and was continued in ethnical cleansing of the Republic of Srpska Krajina in the war of 1991-1995.

Even the most eminent Serbian philologists are not innocent when it comes to the blurred view of the Serbian language and its taking over by the Croats. In that field, even the most important Vuk's followers behaved not academically, such as Djuro Danicic, who at first consistently advocated Vuk's views on Serbian language and "Srbi tri zakona". The support to Vuk's views of Serbian language and literature is testified by Danicic's work: *Rat za srpski jezik i knjizevnost* (The War for Serbian Language and Literature) and *Razlike između srpskog i hrvatskog jezika* (Differences between Serbian and Croatian Languages) in 1858, unfortunately, however, after Vuk's death, he would accept the Croatian thesis (Strossmayer and Jagic's) on bi-national name of Serbian language: Croatian or Serbian, which is why he was appointed a secretary of JAZU (1867) and moved from Belgrade to Zagreb, where he wrote „*Rjecnik hrvatskoga ili srpskoga jezika*“ (Dictionary of Croatian or Serbian Language) published by JAZU in 1882 (Subotic 2006: 21-45).

The leading Serbian philologists in the Yugoslav period behaved almost identically. It is best testified by the fact that *Rečnik srpskog književnog i narodnog jezika* (Dictionary of Serbian Literary and National Language) started by Stojan Novakovic, 1888, the Serbian Academy of Science and Arts kept publishing as *Rečnik srpskohrvatskog književnog i narodnog jezika* (Dictionary of Serbo-Croatian Literary and National Language). And all this after the secessionist wars and formation of the new states in the territory of former SFRY, when all the states decided to abandon the dual name and named their language after the new state-nation.

Just as they made the Serbian language their own, equally did Croatian linguist Gaj reject his and take over Vuk's Latin for Croatian alphabet. He did this in the very beginning of the Illyrian movement. No

eminent Serbian linguist, such as: Vuk Karadzic, Djuro Danicic, Stojan Novakovic, Ljubomir Stojanovic, Aleksandar Belic, Pavle Ivic, Petar Milosavljevic, Milos Kovacevic, Radmilo Marojevic, Radoje Simic and others, said or wrote that the Latin alphabet was not Serbian letter. Also, it shows that the Serbs are not the only bi-alphabetical people, but also the Germans, the Polish, the Romanians, the Turkish and others, and that this fact did not violate their national identity. Language is the most important for recognition and preservation of a national identity. The language is more important than the letter. The Movement for the Renewal of Serbistics advocates for the universal European values and standpoints, even those related to language and letter, which means those values based on ethno-linguistic views of Slavistics from the pre-Yugoslav period.

Unfortunately, the Serbian social and political elite still has not realized the geopolitical essence of the Serbo-Croatian philological phenomenon. By making Vuk's Serbian language Croatian literary language, the Croats stepped into the wide territory of Serbian Stokavian language, ie. into the Serbian ethnic and historical territory. Without having taken over Serbian language they would never have been able to expand to Dalmatia, Slavonia, Bosnia and Hercegovina, Dubrovnik.

Dobrica Cosic once said that the Serbs are the people that wins at war, and loses in peace. Disappointed by the Serbian giving up marking Serbian ethnic, historical and state territory in the new state, a celebrated Serbian General Zivojin Misic said something similar.² These are the most serious accusations for the Serbian politicians and ideologists. Are they justified? As far as the way of unification into the first Yugoslav state is concerned, as well as the form it was organised and functioning, these accusations are more than justified!

The first Yugoslavia, as Petar Milosavljevic pointed out, was not created in the ideas of St Sava, Dositej or Vuk, nor in the ideas of Matica srpska, or the Serbian Royal Academy. As well, the idea of Serbs being only Orthodox did not come from these great Serbian men and the former Serbian national institutions. It was the idea of Josip Juraj Strossmayer, a bishop from Djakovo, and his philological deputy Vatroslav Jagic. It was one of the main ideas of the First Roman Catholic Congress (Zagreb, 1900). Based on those ideas the Serbian people corpus was being broken, only by being taken down to its Orthodox part. Even

2 Faced with the easy sale of the heritage of the Serbian victories in the wars of 1912-1918, Duke Misic cried out: „there are no wars that the Serbian soldiers wouldn't win, nor their heritage that Serbian politicians wouldn't ruin“. According to: Matic, M. (2000) *O srpskom političkom obrascu*. Beograd: Institut za političke studije, p. 89.

worse, based on the Strossmayer – Jagić's ideas, the identity of Serbian language was also undermined.

As it is known, the first Yugoslav state was Serbia, previously joined by Montenegro and Vojvodina, namely Banat, Baranja, Srem and Backa regions, as well Slovenes, the Croats and the Serbs from the territory of the defeated Dual Monarchy, who formed internationally unrecognized State of the Slovenes, Croats and Serbs. The first Yugoslav state was, therefore, entered by the three people with their territories. Today, the Slovenes and the Croats have their independent states. What's with the state of Krajina Serbs?

From the beginning, the first Yugoslav state was burdened with the so-called Croatian issue. Two people, who were at wars with each other until recently, united into one state, there were conflicts of political ideas and mentalities and different understanding of a state. Due to the conflict of the idea of Serbia that „liberates and unites“ and the Croatian separatism, the first Yugoslav state did not last very long.

Josip Broz continued where Strossmayer left of. Under the excuse of the „Great Serbia hegemonism“, he protected the Croats for their genocide over the Serbs, according to the order by KI (Comintern) and in the spirit of the political views of the Brits and the HSS (Croatian Peasant Party) he carried out federalisation of the country that was not based on either historical or ethnic principle, he established the „balance state“ based on a principle „weak Serbia - strong Yugoslavia“. This model of his barely outlived its creator.

Josip Broz stayed away from any Yugoslavism; he launched his thesis of „the brotherhood and unity“, proclaimed new nations in the form of Montenegrins, Macedonians and Bosnian Muslims openly started confederalisation of the Yugoslav state in the sixties.

The second Yugoslavia, the communist „balance state“, the federation established on an anti-Serb basis, promoted new nations and republic-states emerging from a Serb linguo-ethnic substrate, and autonomuos regions also constituted in Serbia, and not, for instance, in Croatia, where there were more historical, ethnic, linguistic and other reasons for that. Having accepted Yugoslavism and communism the Serbs became divided, halved people, which was not the case with other Yugoslav people. „Communism gave a new strength and attraction to Yugoslavism“ (Zivojinovic 1997: 102), constructed Yugoslavia as a typical compromise creation, by landmarking some units as non-Serbian, which was a way of occupation of Serbia by so-called national peripheral of artificial and immatured nations (Petranovic 1993: 101).

„The Serb inequity was the price of survival of Yugoslavia“ - Djilas used to emphasize (Cosic 2002: 276). Josip Broz divided Serbs into four republics and autonomies, therefore into six federal units. Nobody complained, as everybody lived in an illusion that they were in a joint Yugoslav state. Inter-republic administrative lines were not considered borders nor were they confirmed by any legal act. On the contrary, they were represented as „lines made in marble“ (Broz), that connect Yugoslav people. The Serbs faced the issue of borders of their own country after de facto and de iure the Yugoslav state ceased to exist.

It is appropriate to use a parallel here. „The Serbs, unlike the Germans and Italians, have remained until today prone to regionalism and regional awareness... Forced change of identity of Montenegrins after the World War II has, as a consequence, state and cultural separatism... For the incitement of the regional awareness and creation of synthetic nations both state tradition (Montenegro) and dialect and folklore characteristics (Macedonia) were used, but also religion (Bosnian Muslims)“. As an equivalent to Montenegro, a historian Slavenko Terzic pointed out Bavaria „which was a separate German state for centuries, with the court and dynasty, and yet today it does not occur to anyone in Germany or Europe to talk about “Bavarian nation” or Bavarian cultural inheritance outside the German cultural heritage“ (Terzic 1999: 246). The name of the territory they live in, Montenegrins have not changed for centuries. Until the end of the World War II they were all Serbs by nationality. After the decision „from above“ (The Comintern, or rather party and state leadership headed by Broz), almost all of them became Montenegrins by nationality.

Croatian linguistic separatism had the lead here as well. First the Novi Sad Agreement from December 1954, „established“ a common national and literary language of Croats, Serbs and Montenegrins, named Croato-Serbian/Serbo-Croatian. Here is what one of the leading Serbian philologists Petar Milosavljevic says about it: „The Novi Sad Agreement was a complete victory of the Croatian strategy, impersonated in the Serbo-Croatistics. At that Agreement, it was declared that the national language of the Serbs, Croats and Montenegrins (meaning Čakavian, Kajkavian and Stokavian) is one language, and that from there on it should be referred to as Serbo-Croatian/Croato-Serbian. Literary language of Serbs and Croats, as per conclusions made at this Agreement, was built on Stokavian basis, equally and in two variants from the beginning: Ekavian and Cyrillic with the centre in Belgrade and Ijekavian and Latin with the centre in Zagreb. Based on this division into Serbian and Croatian variants, implicitly were projected divisions of Serbian and Croatian languages“ (Milosavljevic 2008: 214). So, the Montenegrins, who always called their language Serbian, and then

Serbo-Croatian from 1955 until 1992 were caught by separatism too. Already in 1967, the Croats, headed by Miroslav Krleža rose against this Agreement with their Deklaracija o nazivu i položaju hrvatskog književnog jezika (Declaration on the Name and Position of Croatian Literary Language). Krleža doesn't talk about „Croatian language thrown out of the window“ anymore, but he defends the Declaration saying that „the Serbs and the Croats have one language called Croatian by the Croats, and Serbian by the Serbs“. The Declaration was supported by more than 100 Croatian writers and intellectuals and all Croatian cultural and educational institutions.

Around 40 Serbian writers responded to this with a Proposal for Consideration, by which advocacy of the Croatian side for equality of the Croatian language was notified and accepted, and then in March 1971 Matica hrvatska formally gave up the Novi Sad Agreement with a short statement. The 1974 Constitution contains Croatian separatistic demands, including those regarding the language; the language is either Croatian or Serbian, as well as in Strossmayer's or Jagić's time. It was just an interphase in a complete renaming of Serbian language into Croatian, which would follow in the process of a breakup of the Yugoslav state.

On the initiator of the idea of breaking up integral Serbian idea, Petar Milosavljević argues: „The greatest project of putting out integral Serbdom was carried out by Strossmayer's follower in the first and the second Yugoslavia - Viktor Novak... Novak's book (Magnum Crimen, M. C.) suggests: „Serbs, beware Roman Catholicism; they are your enemies“. Novak was a link in the Strossmayer - Tito's idea of Yugoslavism, which he recommended to the Serbs. His book in Tito's Yugoslavia practically buried the idea of the Serbs as an integral corpus: ie. as the people that is not only Orthodox, but also partly Roman Catholic and Muslim people ...“ (Milosavljević 2007: 132).

As powers, state ideas and ideologies passed through these regions, they would tear off the Serbian national tissue, for their own political interests, and create new nations. It was first done by the the Ottoman Empire creating Muslims, who would be turned into a nation by a decree of Tito's regime, and this nation is called Bosniacs today, later on Austria carried out Croatisation of Catholic Serbs, whose conversion into Croats would also be conducted by the communist regime of Josip Broz. Broz's communist system produced the Macedonians and the Montenegrins, and forcibly created the Croats out of Catholic Serbs – Bunjevci and Sokci.³

3 „An order by Josip Broz from May 1945 was that Bunjevci are Croats. The key sentence of that document reads: „as nationalities of Bunjevci and Sokci do not exist, you are therefore

The Serbs in Croatia, even though a constitutional and people equal with the Croats, experienced that the Croats took on their Serbian language for the second time. All the Serbian educational and cultural institutions were shut down, the last one being Prosvjeta in 1980. By political arrangement, the status and position of the Serbs in the Yugoslav federal unit of Croatia was guaranteed by the Constitution: the Socialist Republic of Croatia was established as a bi-national republic, the state of Croats and Serbs, such as, for example, Belgium is a state of the Flemish and Wallons, or Switzerland is a tri-national state of the Germans, French and Italians. The Croats, however, similarly to taking over and stealing Serbian language, did the same with the Serbian people: they took constitutionality away from them and brought them down to the national minority.

Thirty years after the Novi Sad Agreement, *Karta hrvatskog jezika s dodatkom srpskog* (A chart of Croation language with addition of Serbian) in the book *Dobar dan* (Good Day) by Tomo Matasac showed up in Munich, 1984! It clearly geographically showed how Serbo-Croatian or Croato-Serbian was divided into two halves based on Ijekavica - Ekavica pronounciation, ie. Eastern and Western versions of the „one and unique“ language (Subotic 2008: 151-152).

When asked whether Serbia meets all the requirements to be called a country by a journalist from *Glas javnosti*, a geopolitical scientist Milos Knezevic, the editor of a journal *Nacionalni interes* says that „Serbia is, first of all, a residual constituency, which means that it was the last state created in the secessionist chain of post-Yugoslav constituencies, and that its future could be a sort of a collective regional territory. Everything the EU member states attribute as important to their own countries, they deny it for Serbia“ (*Glas javnosti* 2009).

It is obvious, namely, that the „break-up“ of the Yugoslav state was motivated by the desire of the West to disable creation of an even bigger, primarily Serbian state in the Balkans. In addition, the West, meaning „Vatikan-German block“ and the USA, decided not only to encourage creation of the new satellite small states in the Serbian ethnic and historical territory, but also to completely cripple Serbia by giving independence to Kosovo and announcing separatism in Vojvodina to bring it down to „collective regional territory“.

ordered to treat all Bunjevci and Sokci solely as Croats regardless of their statement“. This is the document of County NOO of the Backa Palanka County from 18 May 1945, which was a result of Tito's speech at the founding congress of the Communist Party of Serbia on 8 May 1945. At that occassion he said: „We are building brotherhood and unity, but Serbian sovinites from Vojvodina would not approve a Croat to be Croat, they call him Bunjevac. He asks for a pass to Belgrade, and the other one writes his nationality as Bunjevac“. According to: Lalic (2005).

And while the newly created states in the territory of the former SFRJ (SFRY) are trying to completely distance themselves from the former state and ideology, getting the new identity of their statehood, Serbia, in other words its October 5 government, somehow seem to have been unable to pull out of the fake claws of Yugoslavism. It can best be seen in the field of philology, which had an impact on creation of the Yugoslav ideology and state. In their efforts to round up their statehoods Croats, Bosniacs, and Montenegrins declared what was Serbo-Croatian until yesterday, which in fact is Serbian language as Croatian, Bosnian and Montenegrin language. What kind of a philological-ideological confusion the Serbian authorities have found themselves in also shows the fact that in Serbia, Serbian is both majority and minority language, in other words both Croatian and Bosnian are declared minority languages, such as Hungarian, Albanian, Bulgarian, Romanian, Russian, Slovakian, Ukrainian and Roma. It is certain that no reasonable person would claim that it is not Serbian. In the Hague Tribunal, that primarily prosecutes the Serbian ethno-linguistic idea, the linguistic issue has been simplified and it is in the spirit of extended Serbo-Croatistics – the Serbian language has been declared a BCS language.

The political and social elite in power in Serbia (SANU, Matica Srpska, Vuk's legacy, Faculties of philology...) has no answer to all this. And it looked as if it was not going to be like that! Post-Yugoslav and post-communist Serbia was, until the Dayton Agreement, politically quite homogenous in articulation and defence of the rights of Serbs in the territory of the former Yugoslavia. If we recollect, until the Dayton, the authorities and opposition in Serbia advocated the right of the Serbian people to self-determination in the federal units of Croatia and BiH, which guaranteed that they remained with the entity of the Serbian people in a unique state. At that time, the first and then the Second Congress of Serbian intellectuals took place, demanding from the European and the international institutions that the same principles of the international law that apply for other nations should apply for the Serbian people as well. In addition to that, the linguistic principle was mentioned and the thesis of eminent European linguists and philologists was emphasised, that the Stokavian speaking territory is the Serbian language and that the Serbs of various confessions live there, which should be consistently respected during territorial separation.

Not only did the separation of the Yugoslav people care about linguistic or ethnic principles, it was carried out with the foreign support by force and the new authorities in Serbia also took the standpoints of our enemies on the Serbian guilt for the Yugoslav drama. This untrue, false claim, based on which DOS (Democratic Opposition of Serbia)

won power, represents the biggest obstacle for an honored and dignified running of Serbian state's politics. Like their mentors from the West, the new DOS authorities in Serbia accused the regime of Slobodan Milošević for all the hardship, neglecting or not knowing, whatever, that the West, headed by the USA is not here for the human rights but for utterly concrete geostrategic and geopolitical motives. And that the Serbian people and their state are just an obstacle and experiment for an attitude towards the East, Russia and its energy resources (Milošević 2008).⁴

The current authorities of Serbia advocate its entry to the EU without an alternative, not once asking themselves why this organisation does not treat us as it treats other states and people of Europe. How is it possible that „the EU has no alternative“, when 22 of its states (out of 27 EU member states) are taking away Kosovo and Metohija from us. With a miraculous masochism, the current regime practically takes part in destroying its own country. Why don't the Serbian authorities ask that, when it comes to the Serbs and Serbia, the EU applies the European principles regarding the linguistic determination of a nation.

As the Serbian issue must be dealt with today, apart from rethorical mists, as all other issues, the fact that, in the past, there were many Serbs Roman Catholics, and that they gave enormous contribution to the Serbian people and culture, must be considered. It cannot be claimed that there are no Serbs Roman Catholics, and at the same time, ignore the fact that the only Serb who received the Nobel Prize was a Roman Catholic Ivo Andrić.

It has to be considered also that in the Roman Catholic church itself, the Serbs in the past, gained one of the highest titles that the church hierarchs in this church can have, right next to the Pope, the title of the Serbian primate. No other Slavic people in the Balkans had such rank. The Croats and the Slovenes only have cardinals in their church orders.

The Roman Catholic church can never in principle claim that it is open to all people, and forever closed to one people, the Serbian people. This great Church must correct this sin.

It is similar with the Muslim religious community. If, according to the Muslim religion, the door is open to all the people in the world, it cannot be said that there is no place in this religion for the Serbs only. In Tito's Yugoslavia, as soon as identified as Muslims, they automatically become other people, Muslims with a capital M, later on renamed

4 Especially see the papers: Stepic (2008); Dugin (2008); Subotić (2008); Knežević (2008); Petrović Piročanac (2008).

to Bosniacs. Such an attitude cannot be accepted even out of clearly Islamic Canonic reasons. When a standpoint is brought out now that there were, there is or there must be Serbs Muslims, it is only enough to remind of the three undisputed great men: Sokollu Mehmed Pasha (Mehmed Pasa Sokolovic), Mesa Selimovic and Emir Kusturica, the most known Serb in the world today.

A thesis according to which Serbs are only Orthodox is both academically incorrect and socially and nationally harmful. At that gathering in Novi Sad, organized by the Movement for the renewal of Serbistics and the Government of the Republic of Srpska Krajina in exile, Irinej Bulovic, the bishop of Novi Sad, said, amongst other things in his closure, that the Serbian Orthodox church did not take the stand that the Serbs have to be just Orthodox. It is not possible to take such a stand even canonically.

The Renewal of Serbistics – The Renewal of the Serbian National Programme

The Movement for the Renewal of Serbistics, acting for more than a decade, consisted of the most eminent philologists, linguists, writers, historians, political scientists, in its numerous publications renews and appeals for the renewal of the Serbian philological tradition from the pre- Yugoslav period, and especially from the pre-Tito period. The Movement demands renewal of the tradition of Matica Srpska, Serbian Academy of Sciences, educational system in Serbia, as well as the renewal of the Serbian idea of Yugoslavism. It requires that the state and European factors treat Serbian language and literature in the same manner as they treat other European languages and literatures. In other words, they should be identified according to the identities they used to have in the pre-Yugoslav period. This, first of all, means that the Serbian people, as many other European peoples, is a multi-confessional and, as other European peoples, it can be different by its language, no way by its religion, which is in accordance with the European standards.

The ruling thought in Serbia today is between the Strossmayer's/Jagic' Croatian Yugoslavism and „Euro-unionism“ which are both supra-national ideas. There are: Illyrianism, Yugoslavism, Eurounionism, but not Serbism. We entered these mentioned integrations past and against Serbism. And it is not natural; no other people did the same. Serbo – Croatistics is still the official linguistic conception in Serbia and all its national institutions. This is not natural either. But this is harmful for the interests of the Serbian people. Other nations of the former state „renamed, additionally named and de-named“ Serbian language

into Croatian, Bosniac/Bosnian, Montenegrin, and the official Serbian authorities are not able to not only protect their own language, they name it incorrectly which is non-academic and harmful for the national interests.

The path of renewal of Serbistics is very hard. Serbistics has not come to life in the key national institutions: Matica srpska, SANU, Vuk's legacy, at the Serbian faculties and institutions of philology, and other national institutions. Thus we have an amazing paradox, that this Slavic discipline is being studied at seven institutions and institutes for high education in Poland, and nowhere in Serbia. True, the Department for Serbistics was established at the Faculty of Philology in Belgrade in 1998, however the dean of the department, Radmilo Marojevic, was forced, just a few months later, in January 1999, to resign, and the Department for Serbistics was closed.

The struggle between Serbistics and Serbo-Croatistics continues, which unfortunately is still only present at the Serbian national institutions, after the defeat of the Yugoslav idea and the break-up of the Yugoslav state. Both Yugoslav states were built on Strossmayer's and Jagić's standpoints. Their standpoints were accepted by Serbian linguists and philologists, as well as Serbian politicians in both Yugoslavias, but also the official Serbian state and national institutions in the post-Yugoslav period.

However, it is completely certain that the Movement for the renewal of Serbistics is moving in the good direction, and that it will achieve its scientific and national goal. Established on prof. Petar Milosavljević's initiative at the Faculty of Philology in Pristina in 1997, the Movement manifested its activity several times.

For the first time, it happened at the founding assembly in Pristina, 1997. On that occasion, 63 signatories signed the two documents: Platformu Pokreta za obnovu srbistike (The Platform of the Movement for the Renewal of Serbistics) and Memoar o srpskom jeziku, srpskoj književnosti i srpskoj sabornosti (Memoir on Serbian Language, Serbian Literature and Serbian Unity).

For the second time, 14 philologists and writers from the Serbian territory published Slovo o srpskom jeziku (A letter on Serbian Language), 1998.

For the third time, the Movement made its appearance at the international academic meeting that was held in Novi Sad on 23 and 24 November 2007 under the title Srpsko pitanje i srbistika (Serbian issue and Serbistics). At this meeting in Novi Sad the Conclusions on the identity of Serbian language, Serbian literature, Serbian letter and Ser-

bian people were made. This scientific gathering was supported by the Government of the RSK in exile, with active participation by its members, and intensive cooperation continues with the Movement for the renewal of Serbistics since then. On the initiative and elaboration by Petar Milosavljevic, the Movement for the Renewal of Serbistics and the RSK Government in exile renewed the work of *Matica srpska* in Dubrovnik with its seat in Belgrade, on the occasion of 100th anniversary since its foundation on 1 August 2009. This cooperation resulted in the international academic gathering called *Ljetopis Matice srpske u Dubrovniku* (A Chronicle of *Matica srpska* in Dubrovnik), participated by around thirty scientists, and in publication of two anthologies of the same name.

The Serbs are going back to their national programme. That programme is philological in its basis, as it concerns the identity of the Serbian language, Serbian literature and Serbian people. Serbian national programme was, in the Yugoslav period, removed on behalf of the Yugoslav programme. Serbs lost a great deal of their linguistic, literary, national and religious identity in that period. Serbian national institutions: *Matica srpska*, Serbian academy of science, Serbian literary association, University departments of Serbian language and literature – strengths of the Serbian people in the past – became weaknesses in the Yugoslav, especially Tito's period, used as a tool for realisation of Tudjman's – Croatia national programme, under the Yugoslav name.

It is necessary to draw a difference between a national and a state programme. The Serbian national programme isn't the same as the state national programme. The national programme concerns all Serbs, regardless of the state they live in and their religion; whether they live in Serbia, Montenegro, Slovenia, New York, or elsewhere, it is a Serbian linguistic and cultural programme, the programme of the Serbian ethno-linguistic community. The state programme concerns all citizens, and they are not of the same language and ethnic origin; this programme relates to the state attributes: economy, security, internal politics, foreign politics, army, etc.

„If the Serbs want to build their national house so that it stays, in the same way other people are doing it, they have to incorporate all of its important parts into it. That implies one of the most valuable parts of the Serbian people, the part that used to be in the territory of Croatia today.

There were Serbs at prominent places who easily signed off Dubrovnik, and then the Republic of Srpska Krajina as well. We are witnesses that Kosovo followed after that. In a way, the issue of Vojvodina remaining within Serbia has been raised.

Serbian national programme, the renewal of which we openly advocate for, does not imply any “signing off” (Milosavljević 2007: 78-79).

Conclusion

In an ideological sense, Serbia today is between the failed Yugoslavism ie. Croatian idea of Yugoslavism and the idea of Eurounionism, while in a geopolitical sense Serbia and Serbian people as a whole are in the position most similar to that from the time of the Berlin Congress and later. The Serbian social and political elite has to critically re-examine the Yugoslav period of its history, especially the Austro – Croatian geopolitical project of Gaj’s Illyrianism and Strossmayer’s Yugoslavism, as well as Jagic’s project of Serbo-Croatistics, which caused great losses for the Serbs in ethnical, linguistic, religious, and geopolitical areas. That period of the Serbian history was a discontinuity in every sense. These processes ended in a violent and anti-constitutional break-up of the Yugoslav state in 1990-1995, by Slovenia and Croatia, followed by Croato – Muslim coalition in BiH, and then the Croats first, and later on Bosnian Muslim, and at last Montenegrin renamed the appropriated Serbian language into Croatian, Bosnian, Montenegrin. The paradox would not be bigger if separatists in the Serbian Vojvodina did the same, proclaiming the „Vojvodina“ language as a foundation of some Vojvodina identity. In other words, in the Serbian ethno-linguistic territory new, non-Serbian nations-states were formed, which gave up Serbo-Croatian, in fact Serbian language, searching for their own identity. Only Serbia, or its political leadership and national institutions (Matica srpska, SANU, Vuk’s Legacy, Faculty of Philology and other related faculties and institutes...) remains a prisoner of historical failures and forgeries in the form of Croatian Yugoslavism and Serbo-Croatistics.

All of these states are trying to get hold of the membership in the European Union; to that strives Serbia too. But Serbian academia and politics should correct the mistakes from the past first, return to Serbistics – the science of Serbian language, Serbian literature and Serbian people, founded on the European values and recognized by the European Slavistic authorities. Serbia is supposed to hand in the negotiation application for the EU accession, and this application, based on the foundation of the European rules and standards, reads as follows: „that the European rules and standards are respected equally for all people and states, primarily ethno-linguistics standards, on the occasion of accessing ‘the family of European nations’; that, in accordance with the international law norms, Serbian state constituencies and the right to

their union into one Serbian state in the Balkans are recognized“ (Subotic 2009: 198-199). Could the Serbian authorities today submit such a European application to the EU? Hardly so, almost impossible! This is due to the fact that the Serbian authorities today still live in the mists of Yugoslavism, and wrongly assumes that Serbia is guilty of a breakup of the former state. It therefore begins with the same premises as those that broke up our state and took away Kosovo and Metohija. Every Serbian authorities that would want to resolve the Serbian national and state issue „in parts“ and not integrally, is unsuccessful and unwanted by friends and enemies. How would the American–NATO EU react to such hypothetic demand? With disbelief and loathing, maybe even threats or new sanctions. What to do then?

Finally, as a solution imposes Russia, which according to Dugin, shares with Serbia the same geopolitical destiny but not the perspective. Is this the priority of Russian political strategy today (Radinovic 2009: 113-122)? We think that the Russian attitude towards Europe as far as the energy in three directions is concerned, of which one goes through Serbia, represents the directions not only for the Serbian economy, but also for the new, integral Serbian geopolitical paradigm, that can be achieved with the support from Russia.

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On Civic Disobedience as Civic Virtue

Aleksandra Mirovic

Essay on Civic Disobedience“ (Ogled o građanskoj neposlušnosti)

Beograd: Službeni glasnik - Institut za političke studije, 2011.

The concept of civic disobedience represents one of the key issues in contemporary legal and political theories. Since the times of Plato and his dialogue *Crito*, Socrates' (Plato's) attitudes towards civic disobedience have been totally oposite. In the said work, Socrates claims that all free citizens must comply with all state (polis) laws, in some cases even sacryfing themselves for the purposes of state. Yet in some of his other works, notably *Apology of Socrates*, Socrates does admit that in some situations he was „disobedient“ when the pursuit of his philosophical work was at stake.

These contradictory, timeless statements on civic disobedience still remain critical for the curent debates in this field of political and legal theory. Among current

studies on the topic, this work by Aleksandra Mirovic provides an important overview of the concept of civic disobedience through history of political and legal thought, as well as practice on the case of Serbia and other states. It traces the theories on civic disobedience from the period antiquity to some prominent contemporary academics, such as Henry David Thoreau, Martin Luther King and Mohandas Ghandi and other leading representatives in this „school of thought“. The author defines disobedience not only as a citizen's right, but also duty. When the legitimacy of institutions and a political system are declining, the free and democratically educated citizens have to stand up against bad government. For example, we can argue that in some respect

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law or government act is justifiable, but from the perspective of legitimacy it is not obligatory for citizens to obey such a decision.

The author proposes several prerequisites for civic disobedience to be legitimate. The first among them is that the methods of citizens' resistance to the government need to be non-violent, but there is a significant difference here from the Rawlsian model of non-violence. The author shows that, in many respects, civic movements world-wide have used some elements of violence in trying to achieve their political goals. Second, but not less important, is citizens' education. Politically educated citizens have to know their duties and, in order to act responsibly and rationally in a society, they have to know all principles underlying constitutional and legal framework. Finally, even in situations of a „minimalistic state“ when there only some elements of democratic procedures and practices exist, citizens need to know how to respond in defence of their basic human and democratic rights. She dismisses John Rawls concept of „pure procedural justice“ as equivalent to legitimacy and system functioning. The crucial distinction between political culture and civic culture, as the author claims, is that civic culture combines modern and traditional values in a way that makes each society unique.

Special attention is paid to the civil society role in the exercise

of civic disobedience. During the Milosevics regime, civil society played a central and most prominent role in process of democratic changes. The oppressive and authoritarian regime was primarily challenged from below (bottom – up strategy), and when citizens finally took part in disobedience, the regime collapsed. Without civic involvement, the regime change in Serbia at the turn of the millenium would have been inconceivable. In fact, the new political culture rising during the 1990s, and the process of democratic socialization made these changes possible. And in all „silent revolutions“ around the globe, organized citizens have played the critical, the most instrumental, and the far reaching role in democratic changes. This provocative, innovative and current academic study features several different dimensions. The author follows the strands of ontological, phenomenological and especially normative issues surrounding the topic of civic disobedience. As she observes: „the political order has to be legitimized over and over again.“ Without a constant and continual political order legitimization process, the critical role of citizens in the control of their representatives would be lost. Hence the author points out that we can not talk about order „self-legitimization“ or „electoral“ legitimization. When cohesion, ethical and civic engagement is lost, can we speak about civic disobedience at all? And similarly, without citizens'

mobilization and when government or leading political actors are not capable of providing mass support for their actions is it reasonable to talk about legitimacy? For any action by state or government to be completely legitimate, it is necessary not only to be founded upon legal procedures, but also to ensure respect for basic social values. Thus, democracy and civic disobedience as a democratic right of citizens corresponds to enhanced values and trust between members of society.

The contribution of Aleksandra Mirovic's study „Essay on Civic Disobedience“ to contemporary political science lies in its linking of wide theoretical knowledge and practice of civic disobedience. The multidisciplinary approach and the author's knowledge of different social and political ideas and terms, such as legitimacy, participation, mobilization, civil society, etc, give this study its unique character. Its relevance is further punctuated in the current context marked by a lack of legitimacy or „democratic deficit“ ,present in both stable and new democracies. A useful resource not only for the academic community but also a guide for „citizens“, it provides some important insights into when a state or government should be obeyed and what are the limits of their obligation towards the citizens. It is, therefore, recommended for any interested reader.

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