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# SYNAXA

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## ARTICLES AND TREATISES

### BRANKO LAZAREVIĆ'S "BURSTS OF LIGHT" INSPIRED BY MARTIN HEIDEGGER

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**SUMMARY:** A literary critic and aesthetician of wide spiritual horizons, Branko Lazarević was also receptive to trends in contemporary philosophy, because of which he mentioned Martin Heidegger on several occasions, most frequently along with Edmund Husserl. In addition to existentialism, this also pointed to a phenomenological perspective within which he viewed Heidegger. Lazarević understood his *Being and Time* as one sole question. Thus he intuitively raised the subject of being and its meaning that lightens entire Heidegger's thinking. The same intuition led Lazarević to notice a connection between Heidegger and Zhuang Zhou. With this striking idea he anticipated Heidegger's later intellectual journey – the turning of this pronouncedly Western thinker to the wisdom of the Far East as life-saving. This article is dedicated to these insightful Lazarević's bursts of light on Heidegger.

**KEY WORDS:** Branko Lazarević, Martin Heidegger, Zhuang Zhou, contemporary philosophy

It would be difficult to say with absolute certainty when and by whom Martin Heidegger was first mentioned in Serbian culture (literature, philosophy). It is also unknown whether anyone has investigated this matter scrupulously. True, this is of no real importance, and even less crucial or obligatory. Nor is it pressing enough to be dealt with immediately. What would be gained, from a philosophical point of view, from establishing that "that person," in "that paper" or "that year," first noted or mentioned Heidegger's name, and devoted a word or two to him and his work?

Still, determining this fact which by its nature belongs to the history of our culture, including philosophy, should not be ignored completely or in advance, or considered unnecessary or even insignificant. For, Martin Heidegger is not just one name out of a multitude of names in 20<sup>th</sup> century German and European philosophy. Neither is his work, especially his *magnum opus* published in 1927, only one in a series of other philosophical works that came to light in the past century and were penned by German philosophers. If a Serbian author

(writer, philosopher, etc.), whose word is worth considering today as it was yesterday, first mentioned Heidegger somewhere, uttering on some occasion an observation on him (regardless if positive or negative) and did this closer to the year 1927, then this information should not be disregarded, and the author should not be treated with indifference<sup>1</sup>. Such information, would beyond any doubt, speak for itself. If nothing, it would show that important philosophy-related events, especially such a crucial one like the publication of Heidegger's 1927 work, had echoed in Serbia, however sporadically and faintly, and confirm that there were souls in Serbia who had the education, receptiveness, refinement and sensitivity to hear an authentic philosophical voice that would reverberate throughout the whole cultured world, shaking it and confirming its power and importance.

The name and body of works of Branko Lazarević are, unfortunately, not sufficiently known and recognized in modern day Serbian culture. They have been ill-fated ever since the end of the Second World War. The sword of the new ideology did not decapitate Lazarević as so many other Serbian intellectuals (he spent three years in prison), but prevented, to a large extent, the publication of his works and their fruitful adoption until the early 1960s. Nothing *essentially* changed for the better even when eight volumes of his collected works were published between 2003 and 2007 (edited by Predrag Palavestra and Dušan Puvačić and published by the Belgrade Institute for Textbooks). Lazarević is still waiting to take his well-earned and long-deserved place in a normalized and filtered axiological hierarchy of Serbian culture, especially in the area of literary criticism and aesthetics, judged according to his own merits and not ideological and political criteria. Although not completely without reception, his acknowledgment is far below the value and high reaches of his overall opus.

There is no doubt that Lazarević's works deserve a thorough, dedicated and close examination and consideration. This is a task that is challenging but gratifying, and our younger generation of researchers should take it up. In doing so, they could follow in the footsteps of, for instance, Dragan Jeremić, Predrag Palavestra and Dušan Puvačić<sup>2</sup>.

On this occasion, however, the focus will be on only one name among hundreds noted by Lazarević. It will be at the place where he mentions Martin

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<sup>1</sup> I am grateful to Prof. Ilija Marić who brought to my attention the fact that Miloš N. Đurić, in his book *Rationalism in German Contemporary Philosophy* (Geca Kon, Belgrade, 1928), mentioned Heidegger on page 89 and his definition of a phenomenon, citing it in its German original. Since this definition is found in Point A of Paragraph 7 of his *Being and Time*, it may be concluded with great certainty that Miloš Đurić read Heidegger's work which appeared only a year prior to his own, or at least that he was familiar with it. – It is entirely expected that Zagorka Mičić mentioned Heidegger as early as in the second paragraph of her book *The Phenomenology of Edmund Husserl: A Study in Contemporary Philosophy* (Published by F. Pelikan Bookstore, Belgrade, 1936). In it, Heidegger is listed among the most famous authors dealing with phenomenology, "in all its various and independent modifications." Heidegger's name is also listed in the book's bibliography on page 172. (There is slight confusion over Mičić's book because the front cover states 1937 as the year of its publication, whereas the year given on the front page is 1936!)

<sup>2</sup> Their essays can be found in the sixth volume of Lazarević's Collected Works titled *Questions and Wonderings* (Institute for Textbooks and Educational Tools, Belgrade 2005), pp. 218–333.

Heidegger. There are approximately ten of these places, and their inventory is as follows. The fourth volume of the Collected Works, titled *The Shadows of Foundations*, contains a piece by Lazarević called *Varia – Sylva Sylvarum*, composed, according to the author's brief introductory note, "of what has been left as a draft, flash, maxim, or, simply speaking, a motion" (IV, 101). The second chapter (if we can call it that) titled "Nothingness" mentions Heidegger, followed by Husserl, Le Senne and Lavelle (Cf. IV, 117). The fifth volume titled *Art and Aesthetics. Idearium*, Lazarević mentions Heidegger twice: on page 405, in a piece titled "Idearium," and then on page 460 in a piece titled, "Bursts of light in the autumn of 1943." In the sixth volume, *Questions and Wonderings*, Heidegger is mentioned on page 26 in a series of seven names most of which are modern authors (Beckett, Nabokov, Joyce, Ionesco); the text in which Heidegger's name is mentioned is titled, "'Old,' 'New,' etc.," The eighth volume consists of two books under the same title *The Diary of a Nobody*. In the first, which spans the period from 1942 to 1946, Heidegger is mentioned three times, on pages 22, 52 and 326<sup>3</sup>. In the second book, which contains his diary from 1947, Heidegger is mentioned twice, on page 460 (dating May 2) and page 487 (the date is May 9–13).

Of course, not all of Lazarević's references to Heidegger – which are not exactly frequent but undoubtedly elicit interest – are equally deserving of attention. For, it is not the same if the philosopher's name is only listed, frequently with others (as we have already mentioned), or if it appears in a specific intellectual context of philosophical significance, and is, so to say, purposeful, i.e. productively inspiring. The latter instances and examples should be paid special and heightened attention.

a) VIII/1, 22

On September 20, 1942, in the midst of World War II, his fatherland occupied and crucified, his people exposed to unimaginable crimes and tragic suffering, when the danger of loss of life itself was omnipresent and death was an everyday occurrence, Branko Lazarević jotted down the following in his *Diary of a Nobody*: "Heidegger ends his unfinished work *Sein und Zeit* in the following way: 'Is there any way that leads from initial time to the being's meaning? Is time itself revealed as the being's horizon?'; [he] ends with a question and the entire book is but a question."

It won't hurt to cite here two brief sentences by Heidegger in the German original, which end the first part of *Being and Time* (the second part never appeared so that the last full stop actually marked the end of the work): "Führt ein Weg von der ursprünglichen *Zeit* zum Sinn des *Seins*? Offenbart sich die *Zeit* selbst als Horizont des *Seins*?"<sup>4</sup>

<sup>3</sup> On this page Heidegger is mentioned, among others, along with Husserl and Sartre. This indirectly shows that Lazarević viewed Heidegger within the framework of phenomenology on one side, and existentialism on the other. (By the way, Lazarević mentions Edmund Husserl along with Heidegger, who was for a while, his student and protégé.)

<sup>4</sup> Martin Heidegger, *Sein und Zeit*. Dreizehnte, unveränderte Auflage (Max Niemeyer Verlag, Tübingen, 1976), p. 437.

Now it is possible to make a comparison. It can immediately be observed that Lazarević's translation of Heidegger's questions is not only correct but also beautiful. And exceptionally and exemplarily beautiful at that. And melodious, as well. To confirm this, attention should be paid to the expressions "initial time" and "the being's horizon." One needs to listen carefully (our ears are the most important and an insufficiently used hermeneutical organ, not auxiliary by any means) in order to hear them, as if they come from a linguistic shell, to detect and, later, clearly understand what Heidegger actually says at the end of his work that made a crucial breakthrough in 20<sup>th</sup> century philosophical thinking. And it can also be heard in our and Lazarević's maternal language. Strangely, Lazarević does not emphasize the words the way Heidegger does<sup>5</sup>. The words are crucial, decisive, fundamental. They appear in both of Heidegger's sentences, italicized. Four times in total, which is not an accident. Because *Sein* and *Zeit* are part of the title of his book, they are words as titles and words as benchmarks. They are the life force of the book, its energy, its axis, its path, its life, its fate. That is the reason why Heidegger emphasized them exactly in that place, at the end of his book, strongly and twice in just two lines. For, they are summoned, they are intended, they are fitting to continue to resound in the reader, to disturb them and inspire them, after they turn the last page and close the book...

There is no doubt that they affected Branko Lazarević in the same way, despite remaining (if that was the case) without emphasis. He *heard* their sound and felt the power of the punctuation mark placed at the end of both sentences containing these two words. For, he placed the same mark behind Heidegger's 1927 work, noting that "the entire book is but a question." Heidegger would, no doubt, agree with him. Not only because in this book, and in others, on many occasions, he gives priority to philosophical questions over answers. He did so first and foremost because his considerations in said work, existential-analytical and fundamental-ontological as they are, were always guided and illuminated by that one single question, omnipresent, inexhaustible, unstoppable and untamable – the question of the meaning of being. Maybe Lazarević had something else on his mind when he wrote that Heidegger's entire book is but a single question, maybe he actually objected to that, but that is exactly what he said, and rightly at that – "the entire book is but a question."

Lazarević's "statement" on Heidegger is preceded by several sentences that shape his immediate context, his nearest intellectual environment. That is why they must be taken into account, as precursors to his statement that is their finale. And here they are: "Time is 'time,' space is 'space,' and the world is 'the world.' All this poses as a phantasm, as fantastic regions of an unknown existence of some even more unknown being<sup>6</sup>. We have no bridges that connect

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<sup>5</sup> Maybe they were italicized in Lazarević's manuscript, but not in the published version (who knows due to whose mistake, if there was any). This, unfortunately, we cannot know.

<sup>6</sup> Here attention should be paid to the words "existence" and "being." Knowing that Lazarević uses the word "being" both in an ontical and ontological sense, it would be interesting to know the meaning of each of these words, which are of exceptional importance to our [Serbian] terminology in philosophy, especially ontology.

all these notions. That is the central problem of everything, and one cannot reach that center by way of any form of transcendence.” Immediately afterward the two cited sentences on Heidegger and his unfinished work follow.

In a marginal note, Jacques Derrida writes the following on the two questions with which Heidegger “ends his unfinished book,” as Lazarević picturesquely (and, ostensibly, paradoxically) put it: “This is an unsolved issue and not a programmatic statement.” There is a feeling that Lazarević would not be reluctant to accept Derrida’s view. Apparently, they both sensed, if not knew, that Heidegger’s “matter of thought” cannot be a point in a philosophical program composed and construed in advance, to be methodically, gradually and systematically realized. *Time* and *being* are beyond programmatic enumerations and limitations.

b) VIII/1; V, 461

Interesting and unusual. Unexpected, too. One of Lazarević’s excerpts, written on September 20, 1943, appears identically in two different places, in two separate texts: *The Diary of a Nobody* and the “Bursts of light in the autumn of 1943”<sup>7</sup>. The excerpt is important as it establishes an intellectual arch between Heidegger and Zhuang Zhou. Interesting and unusual. Unexpected, too. And brave. And lucid. And anticipative. Here is that arch, but before we present it, let us see that what precedes it, what it is tightly connected to and without which it cannot be properly understood. Ergo, Lazarević is confessing to his diary in one of his “bursts of light” during the war year of 1943: “I have been wandering recently through the most successful systems, from Plato to Hegel. They are tropical fantasies, entire jungles of intuition and ‘artful skills,’ ‘tricks,’ and make dos. Traveling thus from one century to another, from one race to another, from one religion to another, I have encountered every possible castle and trap of human thought, lived in them and fallen prey to them, without stopping anywhere for long, except to catch my breath. There are some really gorgeous ones. Beauties of style, freshness and enchantment. I have been in the airless spaces of Zhuang Zhou, in Plato’s cave and at his symposium, I have immersed myself in Aristotle’s logical powers, and traveled all the way to Bergson and Heidegger. For a month all dances were danced, from corroboree to tango.”

After Lazarević’s nomadic and diachronic journey through vast spiritual spaces, a journey that appears somewhat rushed, even tense, the following paragraph came up: “And it is the same old dance from Heidegger (*Being and Time*) to old man Zhuang Zhou. Heidegger’s dance, not to mention others, is the same as Zhuang Zhou’s. I must mention one of the latter’s dances, because of its exceptional turns: ‘If there is one beginning, then there is also one time, when this beginning was not yet in being, and, again, if there was a time as time, since the beginning was not there, the time itself was not in being. If there is a being, there was a non-being before it, and before the non-being there

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<sup>7</sup> The second text was published for the first time in 1965, in *Književne novine*, on January 9 that year, pp. 5 and 9.



was a non-non-being, and before the non-non-being there was a non-beginning of the non-non-being. And suddenly, without knowing, the non-being is here, and now – is the being of non-being a non-being or a being?”

This mysterious play of the being and non-being, the beginning and time of which, like in the play of the world, the spirit tries to somehow make sense of things, vertigo is an unavoidable consequence. This is why the next paragraph, which, like the first-mentioned, frames the middle one, wherein Heidegger and Zhuang Zhou dance together the same, unending dance. Lazarević says: “Is it possible to stay or live for long in this, like in all other castles of the religious, philosophical, ethical, psychological or aesthetical styles? Creations are grand, the prospects are magnificent, living is strong and breathing deep, but not for long. One gets used to it and it stops working and so on we go.”

Lazarević’s spirit is wandering. And inquiring. He is searching for a “lasting” repose, but never finds it anywhere. No philosophical system, not even a grand one – and, according to him, he was privy to many – could become his comfortable and permanent home. At best, it is a temporary haven offering a break. There is no life even in the most magnificent creations of human spirit, where “living is strong” and “breathing deep.” One gets used to that and must continue onward. Because “there is no final destination.” To set sail and travel on, for Branko Lazarević that is the unavoidable destiny of the spirit, at least his. To keep sailing, even from pillar to post, if need be.

Even Heidegger wasn’t Lazarević’s final destination, a haven of repose and salvation, of repose as salvation, as a life-saving repose. And no one could, not even Heidegger or his *Being and Time*. Maybe at one point it appeared otherwise. Even if it did, it was for only a fleeting moment. Lazarević does not see Heidegger’s main work but as a play, the same and uninterrupted, from Heidegger back to Zhuang Zhou. It must be admitted that connecting a celebrated Western thinker and a famous sage from the Far East is quite perceptive. This perceptiveness reaches deep and far. And before presenting it, we should first look at yet another important instance where Heidegger is mentioned in Lazarević’s collected works.

#### c) IV, 117

Here too, the context is of crucial importance for Lazarević mentioning Heidegger. And the context is Nothing. Lazarević rightly dubs the question that concerns it mysterious. Nothing is, beyond doubt, a question that philosophies of all colors, schools, orientations and directions have wrestled with, and mustered all of their forces to, if not fully reveal its secret, then at least reduce it, or partially penetrate it. Nothing is as much an eternal question as is the search for an answer to what it is. Even as a question, Nothing is shrouded in paradoxality. For, Nothing is what “is” only in relation to Something, which, obviously, is, i.e. exists. And, of course, it goes the other way round, too. One requires the other as a precondition for itself.

In this context Lazarević sees Heidegger primarily through the lens of existentialism, among others who, dealing with Nothing, dealt with angst, man’s fear before that gaping hole, that abyss.



Let us quote here in full Point 2 from the section “Nothingness” in Lazarević’s text *Varia – Sylva Sylvarum*. In this way Heidegger will appear within a spiritual composite of Nothing inseparable from Something, non-being from being. Lazarević says: “The mysterious question of Nothing has existed since the beginning of human reasoning. The eternal question of contrast seeks Nothing in relation to Something; otherwise, it wouldn’t exist either. And it is a secret, already in that that it shouldn’t exist; and thus, non-existence is existence.”

“From Socrates to Bergson, who touched upon it ingeniously, to the newer [thinkers] and the new (Heidegger, Husserl, Le Senne, Lavelle) everyone deals with this, let us call it anxiety, a kind of fear, very intensely, but offer more or less interesting descriptions. Like where it reaches the question of eternity and limitlessness, here, too, the mind stops, having encountered an obstacle, and there is only a rough outline of a certain horror and some kind of terror.

And thus, paradoxically, this non-being appears also to be an integral part of being. It is a positive nothing, as René Le Senne puts it (*Obstacle and Value*, 1934). In this way, Something and Nothing are a bifrons, a bipolarity that is the basis of our spirit in all of its manifestations. Accordingly, every positive value is in correlation with a negative value, and Nothing exists as fear only because Something exists as its opposite. The lens of the spirit is a prism that receives everything and emits it as an opposite.”

This fragment from “Nothingness” proves, among others, that Lazarević was familiar with Paragraph 40 of *Being and Time* in which Heidegger, as it is widely known, expounds on the problem of anxiety in connection with Nothing<sup>8</sup>. He, however, does not pay much attention to Heidegger’s subtle differentiation between anxiety (Angst) and fear (Furcht), nor the existential-ontological dimension of Heidegger’s elaboration in that paragraph. True, he had no particular need to do so (although he would certainly have avoided the unnecessary identification of the two phenomena); such disregard or neglect had no major consequences in Lazarević’s case. To the contrary, it offered him an opportunity to place Heidegger, without much thought, into the framework and scope of the philosophy of existence. This, however, was not crucial to his basic intention and primary goal. As already seen, what Lazarević had in mind was above all to show and underline the correlation between Nothing and Something, non-being and being, positive and negative. Most of all he was interested in the paradoxality of their mutual relationship – the fact that, as he put it, the non-being also manifests itself as an integral part of being. The contrast and correlation, the difference and similarity, the being of non-being and the existence of non-existence – he was fascinated with this inscrutable secret, this ontological miracle, this riddle of the world and man within it. There is not a shred of doubt that the impulse of Heidegger’s thinking had an effect on Lazarević.

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Lazarević is certainly not the first person in Serbia to mention Heidegger several times in his texts, proving, in black and white, that he had access to

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<sup>8</sup> Cf. Sein und Zeit, § 40, pp. 184–191.

Heidegger's seminal work from 1927, and that he had probably read it in full approximately a decade and a half after its initial publication. This question of who mentioned Heidegger first is still open and awaits a reliable answer. More importantly, however, is the manner in which Lazarević treated Heidegger and his *Being and Time*. His attitude, obviously, reveals a clear awareness of the grandness and importance of this thinker as a new and powerful figure in 20<sup>th</sup> century European philosophy. Reading Heidegger caused Lazarević to experience several spiritual "bursts of light," for which he used the rare Serbian word "bliskavica," denoting lightening, a flash, a sudden illumination. The burst that was the most far-reaching is the one whereby he established a bridge between Heidegger and Zhuang Zhou, (whom he at one point refers to as "good old Zhuang Zhou") between *Being and Time* and the ancient Chinese sage and his wise thoughts. Lazarević thus confirmed his amazing intuition, because at the same time he not only heralded but anticipated Heidegger's later focus. To the astonishment of many who dealt with his work, in the 1950s the German philosopher began turning his back on European philosophy and its Greek origins and looking in the direction of the Far East and its Chinese and Japanese thinkers, seeking there a haven and a way out to salvation from the numerous troubles of the modern, technically structured world<sup>9</sup>. The fact that Heidegger's abandonment of the European philosophical tradition and its Greek roots meant mostly turning to Lao Tse and Taoism, and to a lesser extent to Zhuang Zhou, does not diminish Lazarević's deep and powerful intuition. Of course, Heidegger's shift toward the Eastern school of thought is a subject in its own right, but from the point of view of Serbian philosophy Lazarević ought to be credited for anticipating this intellectual shift and even shedding light on it with one of his bursts of light.

[*Parenthesis as a confirmation.* Heinrich Wiegand Petzet composed a report on Heidegger's lecture held in Bremen in October 1930. The lecture was titled "On the essence of truth." The philosopher held the same lecture in several other towns and published it only in 1943. Petzet recounts that after the lecture, at the home of the Bremen wholesaler Koellner a number of guests gathered around Heidegger. According to Petzer, the conversation got stuck on the question of whether a person could transfer himself into another person. Feeling that the conversation was in danger of turning into psychologizing, Heidegger suddenly told the host: "Oh, Herr Koeller, would you mind bringing the *Allegories of Zhuang Zhou* for me – I would like to read a passage or two from it!" Although it appeared that Heidegger had thus embarrassed the host, the latter only asked to be excused as he would have to go upstairs to the library, from where he brought down the new Buber edition of the book. From it, Heidegger

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<sup>9</sup> In Serbia, Mihajlo Đurić was the biggest and an uncompromising critic of Heidegger over his betrayal of philosophy's European identity and siding with Eastern thought and tradition. He did so in his seminal work *On the Necessity of Philosophy Today. Philosophy between the East and the West* (Prometej, Novi Sad 1999). See in particular the chapter "The Plague of Mythomania," pp. 181–193. Heidegger's book *Unterwegs zur Sprache*, Fünfte Auflage (Neske, Pfullingen 1975) in several places undeniably testifies to his shift toward Far Eastern thought. Of course, there are other such places in his other works.

read the legend about the joy of fish in the brook and the joy of the one standing on a bridge over the brook watching them. Petzet thus ends his report: "The profound legend enchanted all of those present." Cf. Heinrich Wiegand Petzet, *Auf einen Stern zugehen. Begegnungen und Gespräche mit Martin Heidegger 1929–1976* (Societäts-Verlag, Frankfurt am Main, 1983), p. 24.

Petzet's reader will unfortunately be left without an explanation of why the legend that Heidegger read from Zhunag Zhou's allegories was profound and how Heidegger interpreted it to the guests that were present. But that was mended by Otto Poeggler. Of course, he quoted Petzet, but he connected "The legend on the joy of fish" with what prompted Heidegger to read it in response to the question of whether a person could transfer himself into another person. In short, he carried on from the point where Petzer stopped. Obviously acquainted with the legend in question, he wrote: "In it, Zhuang Zhou recounts how the fish joyously jump out of the water. His companion asked him how he knows that the fish are joyous when he is not a fish. And Zhuang Zhou tells his companion that he is not Zhuang Zhou, and that therefore he cannot say that Zhuang Zhou does not know anything about the joy felt by the fish. The conclusion is that we come to know the fish's joy through our own joy felt while strolling along the brook. That last sentence annulled all inappropriate thoughts about the problem of 'self-transfer'." Otto Pöggeler, *Neue Wege mit Heidegger* (Karl Alber, Freiburg/München 1992), p. 394.

Given the limited purpose of this paper, there is no need to go any further into Heidegger's interpretation of Zhuang Zhou's legend which Poeggler witnessed and reconstrued to link it with the issue of "being with others," Heidegger's *Mitsein*, being-with, from *Being and Time* (Cf. p. 395 and further on). Everything said so far on Petzet and Poeggler's reports (hopefully, this obvious extensiveness is compensated for by the unusually interesting and profound "Legend about the joy of fish"), should be, and obviously is, an undeniable confirmation that Lazarević's connecting of Heidegger and Zhuang Zhou is well-founded and justified. What is important is that Lazarević could not have known about the event that took place after Heidegger's Bremen lecture in October 1930, because its witness, Petzet, published his testimony only in 1983 (Branko Lazarević died in 1968, although 1963 is sometimes given as the year of his death). He could even less be acquainted with Poeggler's account published in 1992! This only means that his intuitive establishing of a connection between Heidegger and Zhuang Zhou was his own, independent and authentic intellectual act, deserving of the highest honor for being far-sighted. For this, Lazarević had his own, maybe secretive and inscrutable, but still strong and profound reasons.]

An eruptive, wild, impulsive, swift and endlessly curious spirit, an avid reader and unrelenting learner, Lazarević apparently could not allow himself to miss not only that which belonged to the body of classical education, but also that which determined the intellectual, cultural and artistic landscape of his time. One cannot but endlessly marvel at what he succeeded in adopting spiritually from literature and philosophy, especially contemporary, never only fleetingly passing them over. Hence, it comes as no surprise that he was attracted

by Heidegger, whose star in the sky of philosophy – and Lazarević saw that – shone ever brighter. He never dealt with him with academic stiffness or scientific indifference, but in accordance with the style and reach of his spiritual profile. Therefore his exciting “bursts of light” which are the subject of this paper, could be but the sole intellectual form and true expression of his attitude toward Martin Heidegger.

End of June, 2019

# HETERONOMIE DER ZWECKE: NATIONAL QUESTION, FEDERALISM AND REGIONAL DISPARITIES: YUGOSLAVIA 1945–1990

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SUMMARY: Proportions of the Regional Problem in Yugoslavia – Level of Development of the Yugoslav Republics and Provinces: Classification of Regions – Structure of Development of the Yugoslav Republics and Provinces: An Attempt at Making a Typology of Regions – Changing Concepts of Yugoslav Regional Development – Efficiency of Regional Development – Regional Disparities – Inter-regional Redistribution – National Question – The Role of Nation and Nationalism in the Break-up of Yugoslavia – The Political and Economic Objectives of Separatism – Multi-ethnicity, Federalism and Regionalism – From Utopia to Dystopia.

KEY WORDS: Yugoslavia, 1945–1990, Regional Problem, National Question, Federalism, Break-up: internal causes

*Between the idea  
And the reality  
Between the motion  
And the act  
Falls the shadow.*  
T. S. Eliot

*The suggestion is made that political and social consideration,  
both domestic and international, became  
more important than economic logic.*  
[Sugar 1963]\*

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\* “The situation is unique as a test case for theories of area-development because the operation had a definite beginning, ran its forty-year course, and came to a definite end. The author examines measures the occupying country took to improve living standards of the province, shows while these failed, and suggests why the rulers did not use alternate plans which might have led to success. The suggestion is made *that political and social consideration, both domestic and inter-*

## PROPORTIONS OF THE REGIONAL PROBLEM IN YUGOSLAVIA

The *regional problem* in the second<sup>1</sup> Yugoslavia (1945–1990) was never a question of economic disparities only: it was interrelated with the *national question* and the question of the organization of the *state*. It also reflected various *historical* influences and the resultant mixture of different *cultural patterns*.

In Yugoslavia, official definition of the magnitude of the regional problem resulted from the interaction of the regional power configuration, economic interests, political will and the ruling ideological postulates. Thus the status of underdevelopment and the volume of transfers were determined by (unlimited) aspirations, on the one hand, and (limited) possibilities, on the other.

*Table 1.* The extent of the regional problem: the participation of underdeveloped areas in the respective aggregates of Yugoslavia

Years	1947/1952.	1965.	1988.
Features			
Surface area	(34.5%) 39.7%	39.7%	39.7%
Population	(26.0%) 30.6%*	33.8%	38.5%
Employment	(22.4%) 24.2%**	24.6%	29.3%
Fixed assets	(18.1%) 19.8%**	25.3%	27.1%
Gross national product	(21.1%) 23.4%***	22.0%	22.6%

\*1948, \*\*1952, \*\*\*1947.

The percentages in parentheses refer to Bosnia and Herzegovina, Macedonia and Montenegro, which according to the first five-year plan (1947–1951) had the status of underdeveloped. Percentages outside the brackets, in addition to these three units, also include Kosovo and Metohia

„Official” proportions of the regional problem in Yugoslavia (in terms of the underdevelopment *status* given to some republics and provinces) did not reflect the real situation since the boundaries of underdevelopment did not coincide with the boundaries of the republics and the provinces. Nevertheless, Yugoslav regional policy stubbornly persisted with the simplified *dichotomy* of economically developed and underdeveloped republics and provinces (which was never based on the real situation). The consequence was that the share of the Yugoslav population living in the regions which almost throughout the post-WWII period were classified as underdeveloped (Bosnia and Herzegovina, Macedonia, Montenegro and Kosovo and Metohia) grew from 30.57% in 1948 to 33.84% in 1965, and to 40.23% in 1990.

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*national, became more important than economic logic.*“ [Peter F. Sugar. *Industrialization of Bosnia-Herzegovina, 1878–1918*, University of Washington, Seattle 1963]

<sup>1</sup> “First Yugoslavia” refers to Yugoslavia “between the wars,” 1918–1941.

Judging from these facts only, Yugoslav regional policy – which disregarding the interdependent development of all regions (particularly after 1965) was confined to one specific aspect of regional development, to the development of less developed regions – was unsuccessful because it did not help decrease the number of people living in conditions of underdevelopment but rather led to its increase. The point is that regions of underdevelopment had been rigidly and roughly defined: regional policy clashed with the real proportions of the regional problem, which is clearly shown by the data in Table 1 on the population dynamics in such imprecisely defined underdeveloped regions. A more realistic approach with municipalities as units of observation shows that development was spatially dispersed, namely that in reality there were no large compact underdeveloped regions, quite contrary to the basic premise of the official regional policy.



*Figure 1. Underdeveloped areas in Yugoslavia, 1947–1957*





*Figure 2. Underdeveloped areas in Yugoslavia, 1957–1961*



*Figure 3. Underdeveloped areas in Yugoslavia, 1961–1965*





Figure 4. Underdeveloped areas in Yugoslavia, 1965–1990

Occasional attempts, from 1945 to 1974, at regionalizing Yugoslavia in order to promote both its global and regional development did not bear fruit. With the exception of the 1961–1965 period, republics and provinces or, to be precise, the underdeveloped republics and provinces, were the focus of attention at the Yugoslav level. (See figures 1 to 4).

Yugoslav regional policy was basically characterized by a *twofold reductionism*: (a) by its primary (and since 1965 exclusive) focus on republics and provinces (as Yugoslav “regions”), and (b) by its orientation towards less developed Yugoslav regions.

The institutional framework for the resolution of the regional problem underwent some changes: two basic stages of regional development may be distinguished – up to 1965 and after 1965. A third stage, deeply rooted in the past, can also be identified but it became manifest only after the last year (1990) of the research period covered by our study. At that stage the survival of Yugoslavia was placed at the top of the agenda.

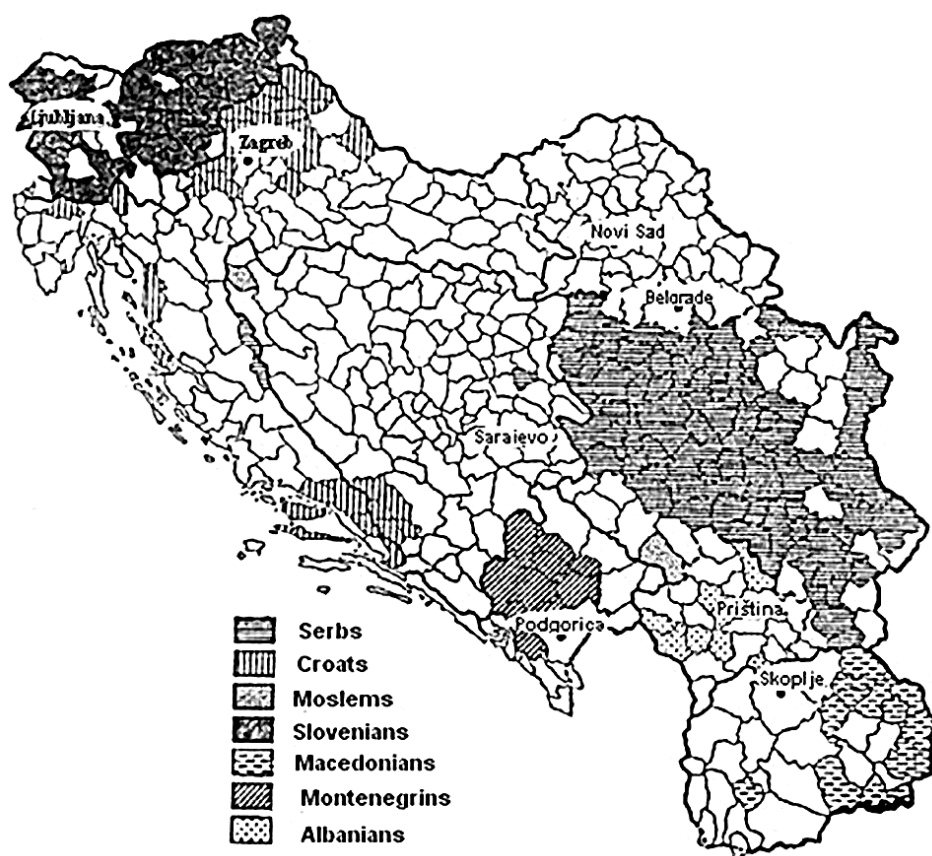
The concepts of Yugoslavia’s development after World War II were strongly inspired by ideology. For the concepts of regional development, the most important were the implications of the principle of *egalitarianism*, with its

policy manifestations in the form of redistributive measures. However, in practice, the real power of regions played a greater role in the implementation of regional policy objectives than the ideologically founded pronouncements suggested. For, not only thus “ideology has the power to transform social reality only between certain limits and... when we ignore those limits we produce *the contrary of what was desired*” [Dumont 1994], but it was also used to justify the *regional interests* that hid behind it.

Table 2. Yugoslavia, republics and provinces: some basic features

shares in %						
	Area	Agricultural area	Population	Assets, social sector, 1972 prices	Employment, social and private sector, annual average	GDP, social and private sector, 1972 prices
		1988.	1988.	1988.	1988.	1988.
<b>Yugoslavia</b>	100.0	100.0	100.0	100.0	100.0	100.0
Bosna-Hercegovina	20.0	17.7	18.9	15.3	15.7	12.8
Montenegro	5.4	3.6	2.7	3.2	2.4	2.0
Croatia	22.1	24.2	19.9	25.8	23.6	25.4
Macedonia	10.1	9.1	8.9	5.8	7.7	5.6
Slovenia	7.9	6.9	8.2	16.9	12.5	16.7
Serbia	34.5	38.5	41.5	33.0	38.0	37.5
Central Serbia	21.9	21.8	24.8	20.6	25.3	25.0
Kosovo-Metohia	4.2	3.6	8.0	2.8	3.5	2.2
Vojvodina	8.4	13.1	8.7	9.6	9.3	10.4

Interest-based regional configurations under a highly formalized decision-making procedure (such as *consensus*, for example) inevitably resulted in the perpetuation of decisions and the compounding of existing problems, particularly if the initial outcome of interest coordination and harmonization was based on a bad political compromise. The over-politicization of regional questions prevented the resolution of the actual problems of Yugoslavia's regional development. Not only did it maintain the status quo in interregional relations but it also contributed to the rigidification of regional policy (by rendering its instruments anachronistic and inefficient) and to its reductionist interpretation as a policy of one region.



*Figure 5. Monoethnic municipalities in Yugoslavia in 1981  
(90% + municipality inhabitants belonging to one nationality/ethnic group)*

The multi-ethnic composition of the country, the federal state system and considerable differences in the degree and structure of economic development both between and within regions made equality the fundamental strategic goal of Yugoslavia's regional development during the whole period after 1945. Equal regional development was considered not only as conducive, in the long run, to the optimum development of the entire Yugoslav economy but also as an essential condition for the achievement of social equality ("providing working people and citizens with equal opportunities for work and living") and national equality.

Yugoslavia in the period 1945–1990 has seen a considerable change in views about the basic determinants of the strategic goals of regional development: amended or redefined by new constitutions, (cooperative) federalism was combined with elements of (conflict-causing) confederalism, national equality was gradually identified with the equality of republics and provinces.

There were also major shifts in the emphases of the components of general development (social → national, economic → political, etc.), while in the economic sphere both the concept of development and the institutional framework (centrally planned economy, market-planned economy, self-management agreement economy etc.) underwent fundamental changes. All this, in addition to other factors (e.g. those of a strategic nature – “strategic territories” (see [Vukmanović Tempo 1971]) as “priority regions”), resulted in the fact that the basic goal of regional development was in certain phases realized in different ways, i.e. in a different (social, political, economic, etc.) environment.

In economic terms, until 1965 the basic objective of the policy of regional development – the rapid development of all accompanied by a faster development of underdeveloped regions – had been pursued within a mainly sectorally defined global optimum, where the development objectives of a region were set according to the development objectives of the country as a whole. After 1965, this *territorially coordinated goal system was gradually replaced by a territorially uncoordinated goal system*. The latter allowed republics – as sovereign agents in the Yugoslav economic environment – to pursue separate development objectives which may have (but most often have not) corresponded to the images of the global objective.

#### LEVEL OF DEVELOPMENT OF THE YUGOSLAV REPUBLICS AND PROVINCES: CLASSIFICATION OF REGIONS

Starting from a fundamental concept according to which development is a multi-dimensional phenomenon, our analysis of regional development levels, i.e. regional differences, was initially based on a wide range of indicators. In the final stages of research, a smaller number of indicators of overall regional development levels was chosen. Among these are the following: (1) original value of fixed assets in the social sector per working-age inhabitant; (2) share of workers in working-age population – (1) and (2) representing “productive forces”; and (3) gross national product – GNP per capita representing the effects of “productive forces”.

The relative values of the indicators of economic development levels of Yugoslav republics and provinces show that the differences between the most developed region and the least developed region are the largest with the indicator that represents the effects of “productive forces” (per capita gross national product – GNP), and narrowest with the indicator of the employment level (number of workers in the social sector per 1,000 working-age inhabitants: EMP). The range of development levels of the material element of the “productive forces” (fixed assets per working-age inhabitant: CAP) are closer to the range within the first indicator (GNP) than within the second one (EMP). In addition to regional policy reasons, these trends can also be explained by important theoretical and methodological reasons: the so-called per capita indicators (such as the above CAP and GNP) have been observed to vary more than the structural indicators (here: EMP). In fact, this is a case of two different “qualities

of time” in which per capita and structural changes are taking place. Therefore, these two types of indicators are useless unless they are somehow standardized. Here standardization has been done as a prerequisite for the *factor and cluster analyses*. Individual features (indicators) were replaced by a summary representation of three characteristics of the economic development level of republics and provinces. Republics and provinces were grouped based on their relationship to the level of economic development expressed in this summary way. The relationship is measured by the distance between the points which represent such objects (and their groups or clusters) in a multidimensional space.

Regions were clustered together according to the degree of similarity: those grouped first were the regions least distant from one another regardless of their economic development levels. The results of the factor analysis clearly show both the level of development and the classifying patterns of regions, on the basis of the value of the points scored by regions on the main factors. The main factors (taken together) explain the largest part of the variance, but not the entire variance (in this case only a negligible percentage remained unexplained). Cluster analysis encompassed and synthesized all the information contained in the indicators. Thus the two methods are supplementary and also mutually verifiable. Both can be used for the *classification* of regions.

Matrices of initial distances reveal that the largest difference in economic development levels was that between Slovenia and Croatia in all the observed years. In fact, this difference divides all the observed regions into two groups. One group consists of Slovenia only, while the second group includes all the other republics and provinces. At first sight the latter seems highly heterogeneous: however, for most years, the distance between Croatia (the most developed region in the group) and Kosovo and Metohia (the least developed region in the group) was narrower than between Croatia and Slovenia. This *dichotomy does not reflect the true complexity of the Yugoslav situation in terms of regions*. The results of the factor analysis (crosschecked by cluster analysis) give a precise picture of the actual regional differences over the 1950–1987 period: in 1950, 1952, 1955 and 1960 Yugoslav regions fall into five groups, differently composed in each year. For all other years (except 1970), the republics and provinces form *four groups*, following the same pattern of grouping (again except 1970) with changes occurring only in the positions of the members of the third group, i.e. central Serbia (Serbia minus the autonomous provinces of Vojvodina and Kosovo and Metohia), Montenegro, Bosnia and Herzegovina and Macedonia. In general, the position of certain regions on the (under)development scale is quite stable: for instance, Slovenia, Croatia and Kosovo and Metohia retained the same position throughout the observed period. The least stable was Bosnia and Herzegovina, which changed its position six times over thirty-seven years, and even changed its development classification group four times.

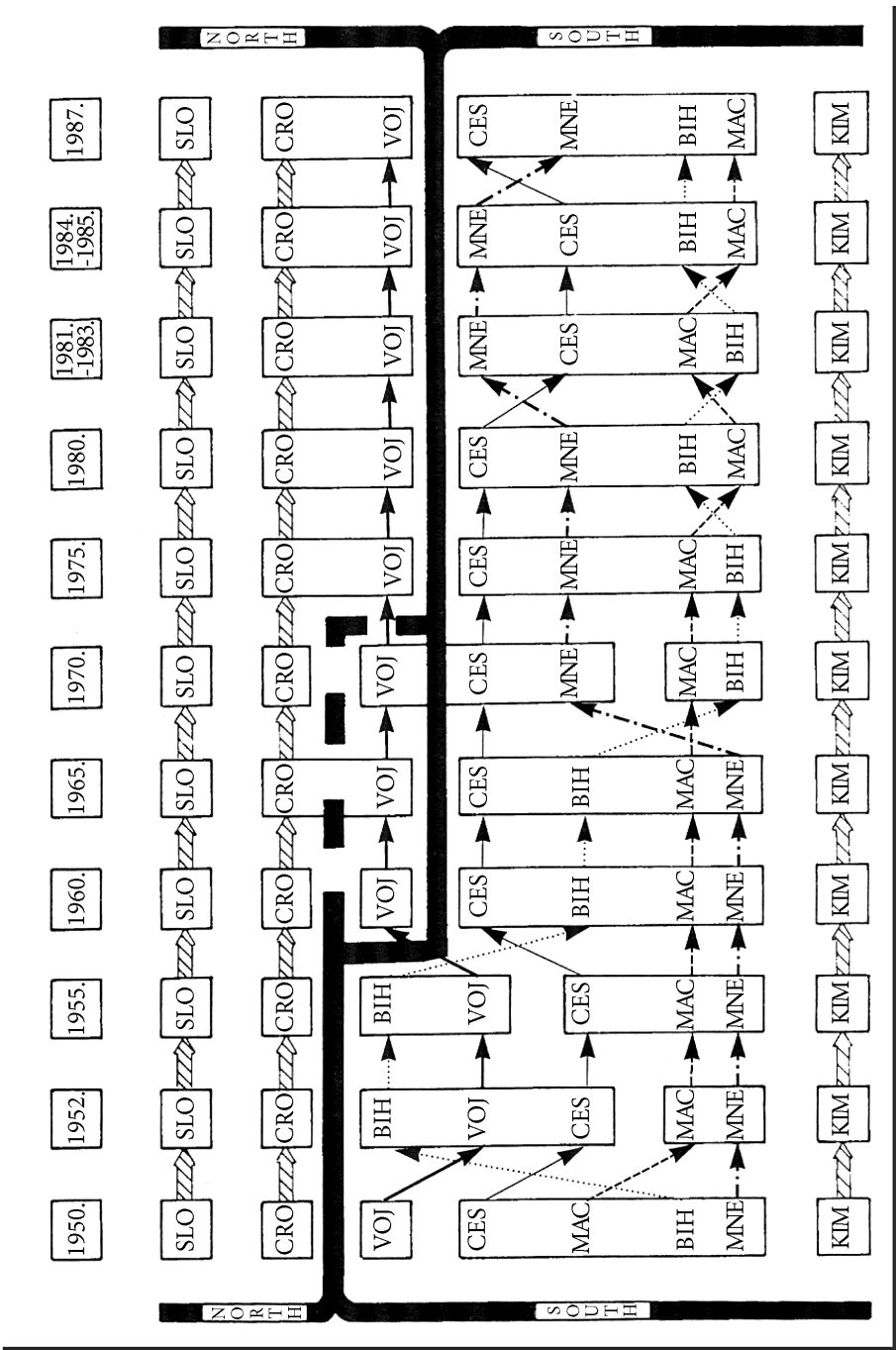


Figure 6. Changes in classification of republics and provinces according to the level of economic development, 1950–1987



Table 3. Changes in the level of economic development; four group of regions, 1950–1987

	GROUP OF REGIONS				
	I THE MOST DEVELOPED	II DEVELOPED	YUGOSLAVIA	III UNDER DEVELOPED	IV THE LEAST DEVELOPED
1965.	147.80	115.84	100.00	85.45	45.48
1970.	182.59	110.93	100.00	82.82	44.24
1975.	190.35	114.31	100.00	82.76	46.04
1980.	182.85	117.49	100.00	84.08	41.85
1981.	181.25	118.15	100.00	84.20	44.81
1982.	177.41	118.60	100.00	84.82	42.88
1983.	177.30	118.03	100.00	85.73	43.32
1984.	186.26	118.22	100.00	86.27	41.34
1985.	192.82	116.66	100.00	84.76	42.61
1986.	201.84	114.84	100.00	84.52	41.46
1987.	203.49	117.08	100.00	82.36	39.15

The stable configuration of republics and provinces according to their levels of economic development over the last twenty-five years of existence of the former Yugoslavia suggests a need to define four distinct groups of regions. The name of the group should specify *the most important typical features (typology)* of republics and provinces included. Since many of these features are structural and since only the level of economic development is discussed here, the following names were chosen: *the most developed, developed, under-developed* and *the least developed groups*. During the 1965–1990 period the four groups of regions included the following republics and provinces: (1) the most developed regions: Slovenia; (2) developed regions: Croatia and Vojvodina; (3) underdeveloped regions: central Serbia, Montenegro, Bosnia and Herzegovina, Macedonia; and (4) the least developed regions: Kosovo and Metohia.

#### STRUCTURE OF DEVELOPMENT OF THE YUGOSLAV REPUBLICS AND PROVINCES: AN ATTEMPT AT MAKING A TYPOLOGY OF REGIONS

Relatively minor differences in the *sectoral structure* of regional economies, i.e. the small influence of these structural differences on the differences in regional efficiency can be explained by an ambition of macroeconomic decision-makers of almost all regions to obtain, if at all possible, everything that Yugoslavia already possessed so that “one day” *regions could function as sovereign independent states*. Moreover, the completion of regional economic structures was carried out according to the overall Yugoslav model of *socialist industrialization*. The desire to achieve *self-sufficiency*, in the absence of either strong economic incentives or coercion which could induce radical structural changes, led, among other things, to the self-reproduction of the “original” economic structure of regions (“a little bit more of the same”). According to

the law of inertia, in an environment dominated by semi-natural, technological and “agreement-based” (arbitrary) investment criteria, with a lack of innovation and a strong aversion to risk, necessary structural adjustments fail to occur. Where there are *no structural changes*, there are *no qualitative changes* either. The absence of dynamism in institutional arrangements affected the structure of regional economies: a rigid system resulted in a rigid structure which, in turn, had a minimal effect on efficiency.

A comparison between the results obtained by ranking regions according to their efficiency and those obtained by ranking regions according to the achieved growth of production factors (employment and fixed assets) and GNP growth clearly indicates that there was rapid growth of production factors in underdeveloped regions. This growth was made possible by an *abundant inflow of capital*. However, the way in which capital flowed into the regions (automatically and without any control by the donors over its use or investments efficiency) and the environment in which it was used (*soft budget constraint*, socialization of investment risks, zero or minimum price of capital, institutional and non-institutional pressure from the unemployed population, etc.) inevitably led to non-productive employment, i.e. inefficient investment. In other words, *rapid growth of production factors in year t did not provide the basis for self-increase in year t+1 but, instead, created a need for increased external capital in year t+1 in order, first, to preserve the existing (inefficient) economy and, second, to ensure new (inefficient) growth.*

Inter-regional economic relations include the flow of traditional production factors (labor and capital), the flow of information, technology, goods and services, money flow, organizational linkage, as well as special forms of business cooperation. The volume and structure of inter-regional relations depended on: (a) the size of regions or their respective economic power; (b) the level of economic development of regions; (c) the proximity (or distance) of regions, and (d) the structure of regional economies. Since in Yugoslavia the exchange of commodities and services was the most prominent feature of inter-regional relations, by observing it we can get reliable data on changes in the interdependence of republics and provinces.

An increasing autarky of regions was the fundamental trend in inter-regional trade. In general, the most closed were the most developed and/or the largest regions. The process of closing was the most rapid in the least developed and smallest regions (with the exception of Macedonia), although they were unable to catch up with the developed regions since, initially, they had been very open in relative terms. Developed regions (Slovenia, Croatia and Vojvodina) were more open in deliveries than in purchases. Trade within this group, including central Serbia, was more intensive. Less developed regions generally traded more with developed regions, although in the observed period links between underdeveloped regions grew somewhat stronger (with the exception of Kosovo and Metohia) despite the general pattern of increasing closure.

The relatively high volume of trade among neighboring regions confirms the hypothesis that *proximity* is an important determinant of the intensity of inter-regional trade. However, relations between bordering regions displayed



a tendency to decline, while relations between distant regions grew relatively stronger. The best examples are the relations between Slovenia and Kosovo and Metohia, and between Montenegro and Vojvodina.

The more developed regions (Slovenia, Croatia and Vojvodina) had a positive total trade balance. On the other hand, the total trade balance of less developed regions (Bosnia and Herzegovina, Montenegro, Macedonia and Kosovo and Metohia) was negative. Central Serbia also had a negative total balance of trade. Thus, there is a noticeable regularity in terms of a correlation between the degree of a region's economic development and the number of positive (or negative) balances in transactions with other regions. Vojvodina's specific structure of production made it an active region in terms of trade with other regions almost without exception. Thus, the strongest influence on the volume and the balance of trade between regions was exerted by their levels of economic development.

With only a quick glance at regional indicator values of those (economic and noneconomic) aspects of development that were not covered by quantitative analysis, we can notice that, depending on the point in time we choose for our assessment, the data can be either the determinants or the consequences of growth. All indicators of demographic development display changes in accordance with the standard conception of modernization. Thus, for example, an increased number of households is accompanied by a decline in the number of household members. This rule applies to all regions except Kosovo and Metohia, where a rising number of household members occurred. Life expectancy for both males and females improved in all regions without exception. Some of these indicators, however, in terms of the magnitude of their change, also reveal a strong influence of the concept of socialist industrialization. A sharp decline in the percentage of agricultural population, from a factor greater than five (in Montenegro) to a factor greater than two and a half (in central Serbia), is unparalleled in the world. One of its consequences was that the percentage of the urban population more than doubled in all regions.

An increase in the relative significance of GNP and the value of industrial fixed assets also speaks about the results of the development concept, which was understood to be industrialization. Thus, for example, in Montenegro, the share of the manufacturing industry in GNP in 1987 was more than seven times larger than in 1947, whereas on the Yugoslav level this share was more than twice as large as in 1947. The share of industrial fixed assets also rose considerably. Macedonia achieved the biggest increase in industrial fixed assets, of some 70%. The ideological impact of this concept of development was reflected in the change of GNP's property structure. The share of the private sector in GNP at the Yugoslav level fell 2.3 times from 1952 to 1990. The steepest decline occurred in Slovenia and central Serbia. In Slovenia, the private sector's share in GNP fell 2.7 times, while in central Serbia it fell 2.6 times. An increased share of exports in GNP shows that the economy was opening up, while an increase in the relative importance of imports of raw materials and intermediate goods speaks of the increased import-dependence of the economy.

The change in the *social development indicators* also reflects an important egalitarian component of the development concept thanks to which special importance was attached to the social “superstructure.” Thus, in 1988 the number of medical doctors per 10,000 inhabitants of Yugoslavia was almost six times greater than in 1952, with the highest increase occurring in Macedonia and Kosovo and Metohia. In Macedonia, the number of doctors per 10,000 inhabitants increased by a factor of ten and by a factor of nine in Kosovo and Metohia. There was also a great rise in the number of junior college and university students. The sharpest increase was recorded in Kosovo and Metohia with zero students per 1,000 persons in the 1947/48 school year, and as many as 19 students per 1,000 inhabitants (Yugoslav average 14.4) in 1988/89, which represents the highest value of this indicator in comparison to other regions. In the observed period, central Serbia had the smallest, 2.5-fold increase in the number of students per 1,000 persons. The living standard indicators rose sharply as well. The proportion of households with a TV set was 47 times higher in 1981 than in 1961, and the proportion of households with a passenger car was almost 26 times higher. The rise of these indicators was again the sharpest in underdeveloped regions, particularly in Kosovo and Metohia.

Underdeveloped regions invested enormous effort and resources into schools, hospitals, dwellings, the mass media and the like in order to become “modern.” However, they were more concerned with quantity (indicators) than with quality. The expansion of social institutions involved a direct copying of the developed regions’ behavioral patterns and systems of values (“demonstration effect”), which caused the “revolution of rising expectations,” soon to be replaced, however, by the “revolution of rising disappointment and frustration.” But the social dimension was not instrumental in bringing about the expected dynamics of the economic side of development. New rules of the game were equally visible in consumption: here as well, modernization fostered new needs and aspirations. Moreover, suddenly increased appetites for the consumption of “modern” goods and services created a profound dissatisfaction with traditional living conditions, especially in rural areas. The outcome is known: the *mass exodus to industrial centers in urban areas*. A workforce shortage in the agricultural sector was accompanied by huge urban unemployment. This imbalance had far-reaching consequences: a growing pauperization of the people who remained in rural areas and of those who were caught in the trap of chronic urban unemployment. Development through modernization (i.e. industrialization) resulted in income differences between individuals and social groups, as well as between urban and rural areas. Under the circumstances – contrary to all expectations – *economic and social dualism* increased. Both types of dualism conspicuously manifested themselves in rising unemployment.

The ratio of investment to GNP is taken as an aggregate (and simplified) representation of regional development costs. Over the 1952–1990 period, the share of investment in GNP (the investment rate) varied considerably both by sub-period and by region, ranging from 86.2% in Montenegro in the 1952–1960 sub-period to 17.4% in Vojvodina in the 1983–1990 sub-period. The investment

rate by year ranged from 117.0% in Montenegro in 1954 to 16.6% in Vojvodina in 1990.

For the whole period, the average rate of investment in Yugoslavia amounted to 20.4%. In other words, an average one fifth of GNP was spent on investment throughout the period. Above-average investment rates were achieved in Bosnia and Herzegovina, Montenegro, central Serbia and Kosovo and Metohia. The highest was the 29.7% investment rate of Kosovo and Metohia, and the lowest was the 18.0% investment rate of Vojvodina. The average investment rate was calculated cumulatively on the basis of GNP and investment in current prices. Although theoretically this is the best method of calculating average investment rates, in the case of Yugoslavia it considerably distorts the picture of the actual situation. The reason for this are extremely high inflation rates in the last decade of the observed period, which resulted in disproportionately greater weights being assigned to GNP in these years than in the previous ones. On the other hand, the last years were also characterized by a sharp decline in investment. Given all this, the average investment rate was low relative to the rates achieved before 1979.

In some regions the investment rate exceeded the upper limit that determines the so-called *absorptive capacity of the economy*. The maximum absorptive capacity is 40% of the investment in GNP. Particularly characteristic here are the cases of Montenegro and Kosovo and Metohia. The rate of investment for Montenegro exceeded the upper limit in all sub-periods, except the last one, while that of Kosovo and Metohia fell below the limit only in the first and the last sub-periods. In two years (1953 and 1954), investment in Montenegro even exceeded GNP, while in 30 out of 37 years, more than 40% of GNP was spent on investment. The investment rate was above 40% in Kosovo and Metohia in 26 years, in Macedonia in 12 years, and in Bosnia and Herzegovina in 10 years. In central Serbia investment exceeded this limit in one year (1961). In other regions (Croatia, Slovenia and Vojvodina) in no year did the investment rate exceed 40% of GNP.

The investment rate figures and trends by region clearly show the method by which regional policy was to achieve the declared objective: a rapid development of “the material base for productive forces” of all regions, along with a faster development of “the material base for productive forces” of underdeveloped regions. Because of the inefficiency of investments, the investment boom under “soft budget constraints” (and universal voluntarism), which peaked in the late 1970s, resulted first in the collapse of the economy, and then of the state.

Undoubtedly, this process was also made possible by the mechanisms of inter-regional distribution and the *redistribution of income*. Their effects are aggregately shown and dimensioned relative to the key economic aggregate – GNP. In this way, in addition to the structure, the total scope of inter-regional financial relations was also identified. Both in real and in nominal terms, only Kosovo and Metohia and Montenegro had a favorable balance. Other units (including the federation) showed a deficit. A deficit also occurred in the sum of payments and receipts prescribed by federal regulations. This widespread deficit financing, however, did not place all the republics and provinces in the same relative position. Some of the absolute losers turned out to be relative

winners. These include Bosnia and Herzegovina (whose receipts stipulated by federal regulations, in relative terms, were one and a half times higher than payments) and Macedonia. The biggest absolute and relative losers were central Serbia and Vojvodina, followed by Croatia and Slovenia.

*Total payments prescribed by federal regulations* compared to GNP show (with the exception of Kosovo and Metohia and Slovenia) a relative regional uniformity – *from an average of 10% at the beginning to 9% at the end of the observed period*. On the other hand, total receipts prescribed by federal regulations relative to GNP vary, from between 1% and 2% in Vojvodina, to between 39.47% and 47.84% in Kosovo and Metohia. This reveals a considerable inter-regional redistributive effect. It is manifested either as a positive or negative balance of a republic or province and is then calculated as a percentage of GNP. Kosovo and Metohia had the largest inflow of federal prescribed funds, while Slovenia and central Serbia had the largest relative outflow. The country's total deficit, as that of most republics and provinces, tended to decline slightly up to 1987, but in 1988 it was again on the increase.

By using constant prices, the payments and receipts of republics and provinces under federal regulations have been aggregated for the 1981–1988 period. Over these eight years the largest outflow in absolute terms occurred in central Serbia (211811 million dinars in 1980 prices), while the largest inflow was that into Kosovo and Metohia (112501 million dinars). If we compare regional shares in payments and receipts of federal prescribed funds, Kosovo and Metohia is the biggest relative winner as well – its receipts are 12.14 times higher than its payments. Vojvodina is the biggest relative loser – its receipts account for only 37% of its payments.

Since this highly complicated and more importantly, conflict-causing process of “robbing-Peter-to-pay-Paul” produced *more losers than winners*, the final effect of this confused mixture of relationships is clear above all in comparison to the objectives that inspired their establishment.

## EFFICIENCY OF REGIONAL DEVELOPMENT

*The efficiency of regional development, in the broadest sense, should be evaluated by the sum total of all the results and costs of a region's development.* Besides investments that were essential for the achievement of certain results, there were unnecessary costs as well. This wasteful spending, as a consequence of a negative politicization of regional development, particularly in underdeveloped regions, gave rise to *social parasitism* and led to *cultural disorientation in development* and eventually, since the process was a lasting one, to the so-called *parasitic involution*.

The political monopoly of the Yugoslav Communist Party was one of the three main factors which determined economic policy in general and regional policy in particular. The other two were the federal state structure, mostly rooted in ethnic differences, and economic planning (first of the command, and then indicative, pseudo-indicative i.e. self-management agreement type). The debate about party control was focused on the principles of the party's

organization (especially the principle of democratic centralism) under the conditions of legislative decentralization of society. The federal state structure raised two questions: of the distribution of power among the federation and federal units and of the distribution of power between regional and local authorities and economic enterprises. On top of the traditional debate about the relative efficiency of centralized versus decentralized planning mechanisms, economic planning opened the issue of the development priorities of certain republics and of the level and the objectives of regional policy.

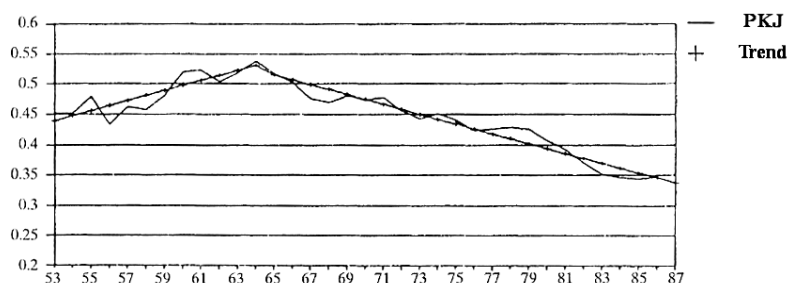


Figure 7. Yugoslavia: average output/capital ratio (“mysterious” 1965 turn)

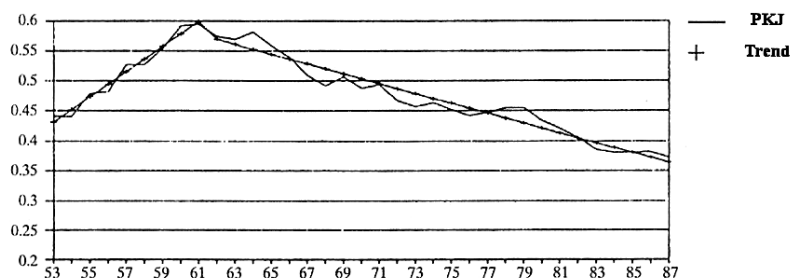


Figure 8. Serbia: average output/capital ratio (mysterious 1965 turn)

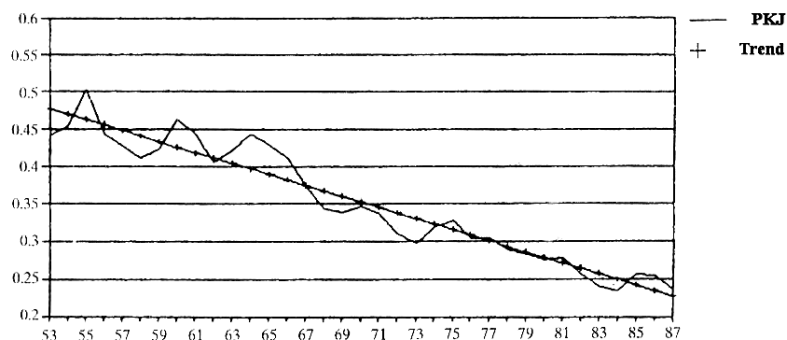


Figure 9. Kosovo and Metohia: average output/capital ratio  
(investment “black whole”; investing in ethnicity)

The evolution of the postwar economic policy reflects the quest for a compromise between and within the following dimensions of the political structure: centralized political and economic power was constantly in conflict with the legislative decentralization, the decentralization of corporate governance (“self-management socialism” gave rise to political promotion of the “autonomy” of the workplace), as well as with the distributive and redistributive regional policies. As this conflict proved basically unproductive, the *compromise* that was reached may be considered a “bad compromise” in Eörsi’s terms [Ерши 1986].

After many unsuccessful attempts the Yugoslavia of the 1980s was presented with the dramatic question of whether to become “a serious and responsible society” with clearly defined rules of conduct. In other words, the problem of transition from a pre-political to an authentic (pluralistic) political condition presented itself. This also implied a transition from a pre-legal to a legal environment as well as from a pre-economic to an economic environment. The result was an open (previously latent) *general crisis*, whose integral part (or more precisely, mirror) was a *crisis of regional development*.

Does this mean that the fundamental, strategic objective of regional policy (an even regional development) was merely one of the (utopian) illusions of a revolutionary and ideologized society? The illusion was dispelled when the external sources of finance for the Yugoslav “experiment” dried up and the issue of post-revolutionary normalization was placed on the agenda. Indeed, two questions, stripped of their regional or rather regionalist cloak, in which they had frequently been wrapped throughout the postwar period, were brought out into the open:

(a) *What is a republic* – a region or a national state?

People living in a republic developed a consciousness about their territory as a political entity, since their region was either once an independent state or aspired to become one. Additionally, the republics had legal guarantees for this, especially under the 1974 Constitution. Moreover, the self-assertion of republics was reinforced by autarkic practices stemming from Stalinist and Kardeljist economic theories.

(b) What is Yugoslavia – a common and lasting framework for answering the “national questions” of Yugoslav nations or a provisional establishment, a waiting room in which everyone was hoping to grab an opportunity for their separate solutions or the achievement of “thousand-year-old dreams” of state sovereignty?

All this had already been strikingly evident (particularly since 1965) in the philosophy of regional development in the form of: (a) a refusal to accept the need for regional policy at the federal level; and (b) *double standards* – one regional logic was applied at the federal level, another at the republican. An illustrative example is the operationalization of equality as the principle that underlined the long-term, strategic goal of regional development. With reference to territory and space, this goal was defined as an *evenness* of regional development, while with reference to the citizen, social or ethnic group it was defined as *equality*. How was territorial, national, social, civil (or whatever)



equality to be achieved through instruments and objectives of regional policy? With great difficulty, of course, particularly insofar as, *by an impossible simplification, the republic, nation and state were equated*. What were the chances of achieving national equality on the part of the members of the Yugoslav nations who lived outside the “mother” republic, especially when they were unable to act as subjects at the level of the collective?

## REGIONAL DISPARITIES

A good illustration of this are the results of a quantitative analysis of the extent to which the objective of inter-regional equality was achieved. Unlike Williamson [Williamson 1965], whose international comparison of regional disparities was made in terms of per capita GNP only, here we have included employment per 1,000 working-age inhabitants and fixed assets per working-age inhabitant – with  $V_1$  and  $V_2$  being measures of relative regional differences, and  $M$  a measure of absolute regional differences. Moreover,  $V_1$  is a weighted measure of regional differences, since squares of the deviations in regional indicator values and indicator values for Yugoslavia are weighted by the share of working-age population or total population in the corresponding aggregate at the Yugoslav level. The measure of absolute differences is also a weighted quantity, with the weights being the same as in the calculation of  $V_1$ . In order to determine the pattern of regional differences over the observed period (1952–1990) each series of obtained values was regressed with relation to time, i.e. the trend functions were estimated. For each series of values of regional differences, we specified and estimated three basic functional (co)relations, with time as an independent variable: linear, log-linear and semi-logarithmic. The criterion by which a trend function for each series of values of the dependent variable was chosen was the statistical significance of the estimated parameter  $\beta$  and the statistical significance of the estimated function measured by the coefficient of determination.

The trend of regional differences in employment per 1,000 working-age inhabitants in terms of the  $V_1$  measure shows several sub-periods. From 1952 to 1961 regional differences in employment fluctuated following a downward trend. From 1961 to 1964 they were on the increase, then from 1964 to 1972 they fluctuated again but followed no marked downward or upward trend. From 1972 to 1979 constant growth in regional differences was observed, and from 1979 to the end of the observed period (1990) they decreased each year. It is this continuous decline in regional differences over the last nine years that mostly determined the downward trend for the whole period. From the type of trend function (a semi-logarithmic one) it can be inferred that relative regional differences in employment per 1,000 working-age inhabitants measured by  $V_1$  rapidly decreased over the whole observed period (1952–1990).

A similar trend of relative regional differences was obtained for the  $V_2$  indicator. There is also a significant decrease in relative regional differences. Here again, the type of trend function shows an accelerated decline in relative regional differences. However, the estimated value of coefficient  $\beta$  in this

function is smaller than in the case of the  $V_1$  indicator, as a logical result of the fact that the  $V_1$  indicator was calculated by weighting the squares of deviation.

The trend of relative regional differences in the value of fixed assets per working-age inhabitant measured by both indicators ( $V_1$  and  $V_2$ ) clearly shows two sub-periods. In terms of  $V_1$ , relative regional differences decreased over the first sub-period (1952–1971), but then increased over the second sub-period (1971–1988). The trend of relative regional differences over the first sub-period is best described by the semi-logarithmic trend function, which means that these decreased at a diminishing rate. The trend of regional differences over the second period is best described by a linear trend function, which means that differences increased at a constant rate  $\beta$ . In terms of  $V_2$ , however, as early as 1967 the trend of relative regional differences in the value of fixed assets reversed. They had decreased up to this year, and then started to increase. The trend of relative regional differences over the first sub-period (1952–1967) is best represented by a linear trend function, which suggests that differences decreased at a constant rate  $\beta$ . A linear trend is also characteristic of the regional differences over the second sub-period (1967–1990), but the value of the estimated parameter  $\beta$  is positive, which means that differences widened by a constant coefficient. But when the whole period is considered in terms of both indicators ( $V_1$  and  $V_2$ ), the downward trend of relative regional differences per working-age inhabitant prevails. In both cases trends are best depicted by the semi-logarithmic trend function, which indicates that over time regional differences decreased at a diminishing rate.

Relative regional differences in GNP per capita clearly follow an upward trend, either measured by  $V_1$  or  $V_2$ . In both cases this trend is best described by the semi-logarithmic trend function with the logarithmically computed dependent variable. This means that relative regional differences in per capita GNP widened at an increasing rate.

In regard to absolute regional differences in employment per 1,000 working-age inhabitants, there are four sub-periods with different tendencies. During the 1952–1964 sub-period absolute differences increased, during the 1964–1971 period they decreased, then increased again in the 1971–1979 period. Finally, from 1979 to 1990 they diminished year by year. When the whole (1952–1990) period is considered, absolute differences in terms of this indicator clearly demonstrate a downward tendency. This is confirmed by the estimated function of the semi-logarithmic trend, according to which absolute regional differences in employment per 1,000 working-age inhabitants diminished at an increasing rate.

However, absolute regional differences in the value of fixed assets per working-age inhabitant display no common tendency for the observed period as a whole (1952–1990). This is confirmed by an insignificant value of a parameter estimated against time in all trend functions which were estimated for the entire period. There are four sub-periods. First, from 1952 to 1954, when differences grew at a constant coefficient; second, from 1954 to 1962, when differences declined at a constant coefficient; third, from 1962 to 1974, when the absolute differences between regions increased; and fourth, from 1974 to



1990, when absolute differences in the value of fixed assets per working-age inhabitant increased again, but faster than in the preceding sub-period.

In terms of per capita GNP as an absolute indicator, regional differences have the same trend as in the case of the  $V_1$  and  $V_2$  indicators. Absolute regional differences also display an upward tendency over the whole period (1952–1990). Judging by the form of the trend function that best describes the tendencies in these absolute differences, the latter rapidly increased.

Results of the analysis show that both relative and absolute regional differences in employment and fixed assets declined during the observed period. Moreover, the decline of differences in employment was steep, while in fixed assets it was gradual. In the last decade, however, both absolute and relative differences between regions in terms of fixed assets increased. In terms of GNP, both relative and absolute differences rapidly widened during the entire period observed.

In principle, the Yugoslav system belonged to an egalitarian model, because it “generalized equality in production relations into a global principle of societal organization.” In its initial stage, the state administrative concept of equality was dominant: economic equality was seen as an expansion of state property. The introduction of self-management, of “socialist commodity production” and the growing importance of the national state were accompanied by shifts in emphasis regarding the attainment of egalitarian objectives. In addition, there was a change in the level of operationalization of these objectives, i.e. in their implementation.

### CHANGING CONCEPTS OF YUGOSLAV REGIONAL DEVELOPMENT

At regional levels, this implied a change in the concept of Yugoslav regional development. Until 1965 there had been several attempts to formulate Yugoslav regional policy. From 1965 Yugoslav regional development was seen almost exclusively as “the development of republics and provinces.” Besides, at the federal level only less developed republics and provinces were the focus of attention. Somewhat later (after 1970, when more attention was being paid to territorial evenness within federal units) the same principle was applied at the intraregional level (as a rule, only underdeveloped municipalities /“communes”/ were given aid). Since policy was not conducted at the societal level, strictly speaking there was no socialist model of inter-regional equality. In Eastern European countries and the USSR, *all regions* were covered by regional policy. On the contrary, in the developed countries of the West regional policy is focused on the so called “critical” (or “problem”) regions. Thus, regional policy is only “a corrective” – it is not comprehensive as is the case with collectivist societies.

In the case of Yugoslavia, in regard to the regional issue, the existing model was a *hybrid* rather than a strictly egalitarian one. In addition to the case mentioned, its hybrid character is explicit in another important segment of the policy of regional equality. The equality of chances and conditions at the regional level

implied an equalization of the “productive forces” of unevenly developed regions, i.e. a transfer of capital to underdeveloped regions and above average growth of (productive) employment there; equal participation in results, however, implied a reduction of regional disparities in terms of per capita GNP. The latter, “eclectic” feature of regional policy combined a “civil” concept of equality (as equality of conditions) with a Stalinist “naturalist” concept of development as quantitative growth of all productive forces. In the USSR, at least conceptually (and in practice) the socialist concept of equality (as equal participation in results) was consistently pursued: people should have equal living standards in whatever region they lived. At the same time, productive forces could grow at different rates, which meant that, guided by economic logic, regions should make the best use of their comparative advantages and thus enable the optimum distribution of productive forces throughout the country.

The example of inconsistency in the conceptualization and the practice of Yugoslav regional development may also be illustrated by the application of double standards in regional policy. Whereas inter-regionally the egalitarian principle was pursued, with constant requests for resources to help redress regional disparities, within regions, contrary to proclamations, the more developed parts (municipalities) were given priority while the less developed were marginalized.

The principle of evenness at first operationalized as “a rapid development of all accompanied by a faster development of underdeveloped regions” subsequently implies quantification in the form of concrete (planned) targets. Since there was no institutional (above all, market) test of regional development efficiency and the underlying principle was the (“natural”) dialectic *that quantity (automatically) brings about quality, i.e. that growth generates development*, the choice of quantitative representation of regional development objectives was understandable. In principle, the stronger political pressure there was for quick, direct, and tangible results of development, the more marked were the preferences for quantitative representations of development objectives. An illustrative example is the way in which development objectives of less developed regions were formulated in medium-term federal plans: as a rule, the less developed a region was, the greater were its development aspirations. Under the circumstances, quantitative dimensions were the focus of attention because they were usually more visible. The more visible they were, the higher their significance as symbols of development. Yugoslav regional (and global) development is a striking example of *symbolic modernization*. The way in which objectives were formulated also shows that the policy of regional development was to a great extent symbolic instead of leading to actual (qualitative) changes. First to be financed were “prestige projects” and an illusion of “exuberant” growth was created, while behind that façade, in the absence of effective control, there usually flourished *corruption* and various sorts of *theft*. Elements of parasitism grew stronger, the social climate was redistributive (the welfare effect of investment came first) rather than productive (the productivity effect was neglected). Under the banner of equality, pure and simple redistribution in favor of *parasitic social strata* took place, usually in the “gray zone,” outside public control, brokered by the *elite*.

## INTER-REGIONAL REDISTRIBUTION

Mechanisms for transferring resources from developed to underdeveloped regions were also inconsistently conceived: the collection of transfer resources was centralized (through the Federal Fund), whereas the way in which these resources were used was decentralized (any control of their use was considered a violation of republican/provincial sovereignty!). This further reinforced the autarkic practice which was a logical consequence of the (Stalinist or Kardeljist) “metaeconomic” theory. Such a transfer mechanism, however, was the cause for *dissatisfaction on both sides*: among the donors as well as among the receivers of funds. The more developed regions objected to the high priority given to inter-regional redistribution, while the less developed regions defied the growing tendency towards the application of distributive criteria (particularly of profitability) in investment evaluation and fiercely opposed the very idea of control over the use of transferred resources.

The model of “pooling labor and resources” (directly and through the Federal Fund) is a good illustration of how the illusion of regional development problem solving was produced. First, the illusion was created that there was harmony at micro and macro levels, while any arising conflict was suppressed by overregulation instead of being openly and clearly articulated and effectively resolved. Behind an apparent absence of conflicts, the inner conflict escalated to the extent that it had to be resolved in the Clausewitzian way – by *violence*. The violence, in turn, completely delegitimized the system and its *nomenklatura*.

## NATIONAL QUESTION

Thus, in the end, the much praised quality (a peculiarity bordering on unparalleled originality, unique authenticity) of Yugoslav regional and global development proved to be only a *fragile illusion* which was dispelled quickly but not painlessly. This was preceded by the activation of *built-in destabilizers* so that it could plausibly be argued that the *disintegration was a planned process*. Since its establishment, Yugoslavia was constantly plagued, either disguisedly or openly, by various national strategies for the break-up of the federal state: for some of its nations Yugoslavia was a final solution, whereas others considered it only a transitory framework, a waiting-room in which stalk their own, separate solutions. Therefore, the policy of regional development was to a great extent a policy of investing in ethnicity and state sovereignty, i.e. in national independence which was often (naively) believed to be attainable through economic independence. While opting for economic isolation from the rest of the country, the separatist republics tended to open up politically, primarily by “appealing” to an international factor to take “democratic” control. The “xenophiles” with separatist inclinations tended to internationalize “their” cause, lacking the power to achieve their “thousand-year-old dream” of independence. On the other hand, the xenophobes that remained in the existing state ignored the importance of the international factor and therefore paid a much higher price in defending and safeguarding their vital interests.

In single-party mobilization systems – such as the Yugoslav system after 1945 – inter-regional policy, or any other policy, cannot be dissociated from its ideological underpinnings. This is particularly true of inter-ethnic and inter-republican relations, whose framework and direction was set by an explicit, full-fledged national politics derived from the Marxist–Leninist ideological postulates of the system. Lenin argues that “all definitions in general have only a conditional and relative meaning,” and so does the definition of nation, particularly with regard to its dialectical and historical connections with class and society. These connections are not defined by any universal rule. Labor parties are entitled to “differentiated” political strategies, Lenin points out. So, labor parties of an “oppressive nation” are entitled to insist upon the “right of an oppressed nation to *secession*,” whereas the labor party of “an oppressed nation” should insist on “the right to *unification*.” *A big nation has to accept a certain inequality in relation to a small nation*. In this way, it would give up the advantages that it unjustifiably gained during the previous period of historical development, as well as the advantages stemming from the mere fact of its numerical superiority over small nations. The right of each nation to self-determination, uncompromisingly defended by Lenin, coincides with the interests of the proletariat, i.e. of the communist revolution. The latter has international aspirations and in this regard the “national question” itself becomes a global issue – it is directly associated with the establishment of the *Communist New World Order*. Therefore, wherever nationalism is subversive of an existing (noncommunist) order, “the right of oppressed nations to self-determination” should be “unwaveringly” supported. For Lenin, national self-determination means “political self-determination, the right to secession and establishment of an independent state.” The right of a nation to self-determination, according to Lenin, is an uncompromising principle of political democracy. But it also means a *complete equalization* (?) of *nations* in terms of economy, culture and education. In a multinational community, with markedly uneven development, “under socialism,” this implies an active policy of national equality, in other words a considerable redistribution of the “conditions and results” of development or, in regional policy terms, an “even regional development.”

Despite assertions of official ideologues that the politics dealing with the national question was consistent at least *since 1925*, several *stages in the development of the Yugoslav communists’ national politics* are noticeable. These are: (1) 1919–1923: defense of *centralism* and *unitarism*, the concept of the three-name (Serbo-Croat-Slovenian) people; (2) 1923–1928: internal *disputes* between the left wing and the right wing of the Party; (3) 1928–1934: the period of the *Comintern*, marked by the Comintern order to split Yugoslavia into separate, ethnically homogenous national states; (4) 1934–1943: recognition of the right to *national self-determination*, coupled with the desire to preserve the unity of the socialist Yugoslavia; (5) 1943–1964: *federalism* characterized by the disjunction of the republics and nations, and the more implicitly than explicitly formulated idea of *Yugoslavism*; (6) 1964–1974/1992: dismissal of Yugoslavism and the identification of nations with republics and, consequently, of inter-ethnic

with inter-republican relationships; and (7) 1974–1992: *consensualism* and the disintegration of the state.

The idea of *national economies* (i.e. economies of republics and provinces in which national working classes – through their /party/ states – freely use their national surplus values) emerged in the “sixth stage” of the evolution of the Party’s national politics, beginning in 1964 when the 8<sup>th</sup> Congress of the *League of Communists of Yugoslavia* laid the ideological foundations for the *identification of nations with republics*, i.e. of inter-ethnic with inter-republican relations.

The idea and the practice of “national economies” was accompanied by a variety of ideological rationalizations. Two fundamental attitudes that provided plausible grounds for republican and provincial economies to become “national economies” were: (a) that “national economies” ... “are a safeguard against unequal relationships and against any attempts at exploitation” [Hadžiomerović 1989]; and (b) that “national economies” promote national independence and state sovereignty. Thus, the *economy was defined in strictly functional terms, in terms of promoting state sovereignty*: the completion of protected economic structures of republics and provinces, i.e. the creation of “national economies spring out of a natural need to secure the strongest and safest possible foundation for the economic independence implied by sovereignty” [Hadžiomerović 1989]<sup>2</sup>.

The degrees of external dependence and of autarky, however, did not prove to be inversely proportional, as was believed by the break-up theorists. That dependence and autarky are not mutually exclusive (i.e. that *autarky is no remedy for dependence*) is illustrated by numerous examples of underdeveloped countries whose *dependence has grown shifting from consumer goods to production goods*. As imports and particularly technological dependence increased so did the overall dependence. Also, dependence is usually associated with the market as – in Marxist terms – an exploitative institutional mechanism *per se*. Did the market enable transfers of income from underdeveloped to developed Yugoslav regions? Perhaps it did, inasmuch as the market existed. It should be noted that in Yugoslavia certain functions of the market (the allocative function, for instance) hardly ever performed. The market was parceled: inter-republican trade kept declining. Actually, there was no single Yugoslav market for goods, let alone for factors of production. Besides, developed regions (potential exploiters) and underdeveloped regions (potentially exploited) were closing their respective regional markets with an almost equal intensity.

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<sup>2</sup> “Yugoslav authors argue about whether the degree of autarky among regions actually increased. Ocic (1986a) points to evidence of declining interregional trade flows in the 1970s. He sees this as the result of the constitutional amendments of 1971 limiting interregional banking, and the Constitution of 1974, which formally devolved authority to regional governments. Similarly, Kraft (1989) shows that the structure of regional industrial capital stocks has converged over time, reinforcing the notion of increased autarky. Bicanic (1988) argues that autarkic development was simply a response to an extremely rigid and dysfunctional economic system. Hence autarky was driven by a need to adapt, rather than a desire for autarky *per se*. Burkett and Skegro (1988), on the other hand, argue that there is no evidence of systematic change in the degree of autarky. Using three different measures, they find no time trend for variables measuring autarky.” [Kraft 1989: 24]



In the case of Yugoslavia one could hardly speak of classic (market) exploitation, in view of the fundamentally anti-market orientation of the system in all its forms – from the centrally planned to the consensual. Exploitation was a matter of position and status, involving, first, the monopoly to create institutions and, then, the very place in the power structure. As *the power centers were mostly located in the sphere of politics rather than of the economy*, the crucial role in both social and regional (national) exploitation was played by the privileged social groups, republics and nations.

The *domination of the political sphere over the economic one*, from the point of view of Yugoslav regional development, manifested itself in the strong action of the political elites of the loosely connected federal units towards *increasing closure* of the republic/provincial economies. The insistence of these “elites” on the creation of six “national” economies meant an anachronistic, anti-developmental *fragmentation* of the Yugoslav economic (and not only economic) space. The creation of “national” economies provided the basis for a qualitative change in the organization of the state: the creation of several independent, sovereign states *vis-a-vis* the federation.

The process of putting into practice the concept of national economies (with corresponding autarkic tendencies) led to a continuous slowdown in Yugoslavia’s economic growth, its diminishing competitiveness and growing dependence. Concurrently, the process was a source of constant political instability and harsh conflicts. The concept of national economies brought diverse “passions” into the economic sphere, which more than any other sphere should be ruled by reason. So, this sphere (otherwise the primary, and in developed countries almost exclusive source of conflicts of interest) lent additional strength to an already strong and objectively determined secondary line of conflicts (race, religion, nation and language) so characteristic of developing countries.

*The two ideological and political cornerstones of the post-war Yugoslav “commonwealth” were the following: (a) that the socialist society will manage to solve the problem of uneven (economic) regional development, unsolvable under capitalism; and (b) that only socialism makes national harmony and equality possible. Was the regional problem solved (or at least alleviated) in the socialist, federal republic of Yugoslavia? Were national equality and harmony achieved? The answer is definitely negative: Yugoslavia’s development after 1945 and after 1965 showed the end of the path of decentralization without democracy and without efficient mechanisms of economic cohesion, with arbitrary inter-regional redistribution and a permanently suboptimal global allocation of resources. The heightening effect of centripetal forces led the Yugoslav economy, state and society ... into disintegration, eventually taking the form of an explosion.*

## THE ROLE OF NATION AND NATIONALISM IN THE BREAK-UP OF YUGOSLAVIA

The role of nation and nationalism in the break-up of Yugoslavia is twofold. It has its (a) international and (b) internal aspects.

In more recent history, because of its subversive nature, nationalism has been the most suitable vehicle for breaking up large (especially multinational) states. Today, the leading actors in world politics use it, first and foremost, to dismantle the Soviet (communist) empire. Here, *Yugoslavia served as a guinea pig* for testing the mechanism of the *New World Order* (NWO). In the vocabulary of the NWO protagonists both the Russians and the Serbs are referred to as expansionist and conquering, i.e. as imperialistic (“oppressive”) nations. This is not the only correspondence between the NWO and Marxist–Leninist (communist) terminologies. The latest NWO, like communism, also has planetary ambitions and, in its purpose and essence, though not in terminology (which is democratic), is equally revolutionary, because the change is so universal and radical that it can only be effected by force. Therefore, it is concerned neither with legality nor with legitimacy. The fight against communism is used as a justification for secessionism – anti-communism is an alibi not only for separatism, but also for various kinds of selective (inconsistent, i.e. *ad hoc*) foreign intervention. The NWO means a victory of the bourgeois principle over the proletarian principle and therefore nationalism is always supported because it is now primarily anti-communist in nature. The New World Order uses nationalism to score a victory over communism but, fundamentally, not to promote the nation, rather to negate it. Just as the nation (nationalism) is a temporary aid to the proletariat in its struggle against capitalism and for the Communist New World Order, so is it to the Anti-communist New World Order. The New World Order is, thus, not only anti-communist but also anti-national (it advocates “a confederation of regions” which is why it is being introduced into the “Old Continent” as “the Europe of regions”).

Within Yugoslavia, various nationalisms were used, on the one hand, as an ideology of separatists, and as a demagoguery of (caste rather than crypto-communist) *elites*, on the other. They used it to mobilize their “own” national “masses” and pit them against others for the purpose of preserving and strengthening their own power. The ideological heritage of (Austro-)Marxism provided many good ideas for the “nationalization” of socialism and communism (in the form of national communism) so that for the “new” ideologues (Kardelj and the like) it was not difficult to devise different varieties of Marxist, socialist, self-management... doctrines that were in line with different stages of “building socialism.” At the end of this road arose the question of whether these were stages in the progress of the socialist society or stages in attaining strategic goals of the national development of various Yugoslav nations.

Differences in traditional national programs occasionally manifested in the form of “crises of growth” (e.g. around 1970). In the 1990s, previously carefully hidden behind the screen of communist, socialist and self-management phraseology, the long-term strategies of the secessionist nations (primarily the Slovenians and Croats) dramatically came to the fore, or, in other words, the last stage in the achievement of national goals and interests was launched. Victory in this stage is usually won by the cunning of the secessionist political mind, strongly supported and aided by a foreign factor. However, it seems that the internal factors of the break-up were dominant, at least in the initial stages

of the process. In the beginning, actions of the foreign factor were discreet, but then acquired a more direct form of supporting the integration of some parts of Yugoslavia into (Central) Europe (Alpe-Adria), ending in military assistance to the secessionist Yugoslav nations and even with a threat of international armed intervention against “uncooperative” Serbs.

THE POLITICAL AND ECONOMIC OBJECTIVES  
OF SEPARATISM

For Marxists, revolutions were national in their form and class in their content. Yugoslav separatist (r)evolutions (except in their final stages) were “class” in form (ideology), and national in content. But did they, in the Yugoslav case, imply only a victory of the national idea or of the communist idea (as well)? The boundaries of the newly emerged states are communist, and so was the idea of achieving national “equality” through secession. It should be noted here that objections pointing to the risk of the disintegration of a state were overruled by Lenin with the following question: “from the point of view of democracy in general, and of the proletarian movement in particular... is there any freedom greater than the freedom to secede, freedom to create an independent national state?” In the Yugoslav case, *Lenin’s concept* of the right to national *self-determination*, ultimately seen as the *right to secession*, prevailed over the current *Western* (“civil”) *concept of this right as the right to choose the type of government within* (“inviolable”) *state borders*. With a triumph of the Leninist concept of the right to national self-determination, that is with a triumph of the separatist revolution, the Yugoslav state collapsed and so did Yugoslavism as pseudo-religious zeal.

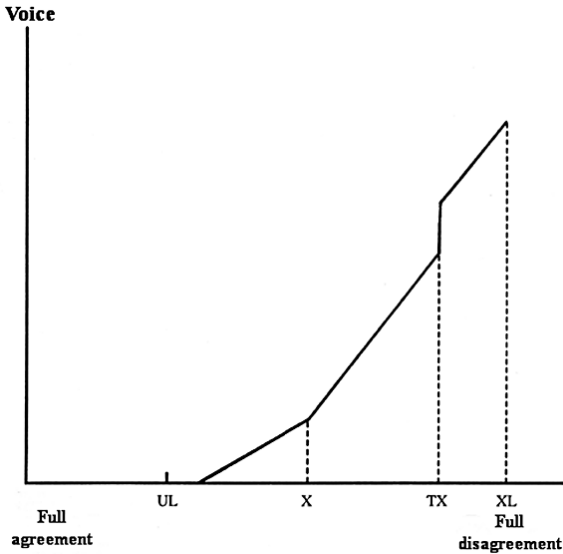


Figure 10. Loyalty under diminishing state unity



It is usually thought that a growing *region–center disparity* should for the most part be attributed to economic *exploitation*, with the region being the victim. Schumacher [Schumacher 1973] argues that it is “the normal case... that the poor provinces wish to separate from the rich, while the rich want to hold on because they know that exploitation of the poor within one’s own frontiers is infinitely easier than exploitation of the poor beyond them.” It is undoubtedly true that a separatist movement is very strong in regions that lag behind the average economic development of the country of which they are part. Hansen points out that economic backwardness of poor regions should not be equated with their exploitation by the rich, particularly because the latter usually subsidize the former (in many different ways). Therefore, an analysis of exploitation costs suffered by a given region and of its benefits from subsidies could reveal whether it is a “loser” or actually a “winner.” Because, according to Hansen [Hansen 1978], in region–center disputes “the central issue is more likely to be regional equality than national efficiency.”

This is also true for cases when the rich regions believe that they are being exploited by the poor regions. However accurate the cost-benefit analysis of inter-regional relations, it cannot solve the problem of inter-regional conflicts by itself. Whether subsidized or exploited, a region may strive for independence for non-economic reasons. Actually, regions with strong separatist movements are characterized by a cultural identity which their inhabitants want to preserve. Most often, the question of cultural identity is intertwined with the economic motives for separation, combining into a more general *question* – that of *power*.

In the attainment of a non-economic goal of separatism, besides formulating political arguments in favor of separatism, often used are economic problems that have great significance for decision-making connected with political choice. When a struggle for separatist status is only politically motivated, the cost of separation and the possible adverse consequences for a given region are not much of an issue. It is believed that in the case of strong political will for independence considerable economic sacrifices are acceptable. The economic consequences of independence are usually taken to be relative or even irrelevant when politics prevails over economy, and particularly if separation is taking place in a subsistence (more precisely, semi-natural) rather than a market economy, as was the case with Yugoslavia.

The political and economic objectives of separatism are often incompatible, partly because very few separations in history have been achieved by “consensus” (they have mostly been characterized by bloody wars, the costs of which in terms of material destruction and human lives should also be charged, contrary to usual practice, to separation accounts). Another form of incongruity between the economic and the political objectives of separatism is that, even when a region achieves political independence it remains dependent in trade, in putting joint ventures into operation etc. because of the previously established relationship of technological and economic interdependence between regions. That is why secession is often preceded by a policy to decrease dependence through a geographical redirection of economic flows or through increased self-reliance (autarky), coupled with a kind of a general self-segregation which, under

a widespread political arbitrariness, appears to be an easier and faster way to independence. That a “*break-up*” and *independence are not positively correlated* is illustrated by numerous cases among which, as we have already shown, the *Yugoslav case* is very striking. A “fast and easy” way relatively quickly shows its real costs. And thus a need arises for a (relative) decline in *real income* to be increasingly compensated by the so-called *psychic income* (Albert Breton [Breton 1964]).

MULTI-ETHNICITY, FEDERALISM AND REGIONALISM

Multi-ethnicity has served to justify the establishment of *federalism* in Yugoslavia. Federalism as a method of solving the national question (in the Leninist model) was the reason for the reconstruction of Yugoslavia on federal principles in 1943, which was confirmed by the Constitution of January 31, 1946, after the Communist Party of Yugoslavia took power by revolution in 1945. Such a “solution” is also rooted in the Party’s interwar concept of the national question. The Comintern spirit based on the idea of breaking-up Yugoslavia was to mark almost half a century of Yugoslavia’s history. This idea, following a systematic political, legal, economic, cultural and media groundwork, would finally be implemented through enormous violence.

Confederation ( <i>Staatenbund</i> )	Federation ( <i>Bundesstaat</i> )
International-legal form of a community	State-legal form of a community
Sovereignty resides in member states	Sovereignty resides in the federation
Joint decision-making on issues of joint interest based on an international agreement (treaty)	Participation of member states in constituting the federal political will
Passing of laws is in the jurisdiction of member states if it is not transferred to the community’s organs	State authority is divided between the federation and member states
<b>Examples:</b> Union of Swiss Cantons from 1803 to 1848 German Confederation from 1815 to 1866 USA from 1778 to 1787	<b>Examples:</b> Switzerland after 1848 Federal Republic of Germany USA after 1787 India

Unitary state	
Administrative decentralization	Centralization
Passing of laws is in the jurisdiction of central authorities	Centralized state governance
It is limited by decisions stemming from the autonomous jurisdiction of regional and/or local self-government units	
<b>Examples:</b> Great Britain Italy	<b>Examples:</b> Germany from 1933 to 1945

Modified according to [Walper 1970:10]

After 1945, several federal projects were tested in Yugoslavia. Yugoslav federalism was becoming increasingly formalized in procedure, ever more complex, rigid and inconsistent, and thus less and less practicable. In the final analysis, of all its potentially strong and weak points, federalism in Yugoslavia displayed more of the latter.

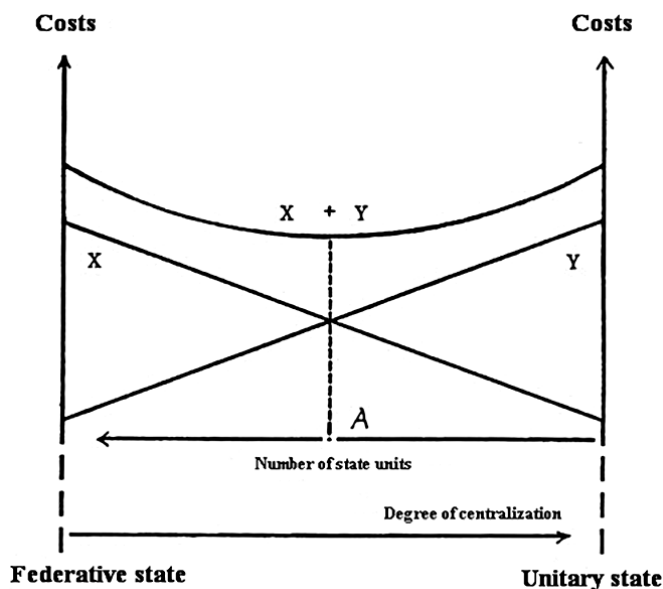


Figure 12. *Federation: optimal degree of (de)centralization*  
where:

X – costs of decentralization („spillovers“, diseconomies of scale, etc.)

Y – costs of centralization (costs of the increased coordination, etc.)

In the Yugoslav case, federalism based solely on ethnic principles (introduced in the 1960s) could have functioned only if the complex, heterogenous Yugoslav reality was simplified to such a degree as to equate ethnic and republican boundaries, despite the fact that they rarely coincided. So simplified, the Yugoslav federal system – devised along ethnic lines – fixed the borders, directed the communications system, set the patterns of economic life, defined the limits and the directions of population movements, established the parameters of political life and political conflicts.

This type of federalism proved to be an inefficient mechanism for resolving conflicts and managing crises. Federalism based on regionalist principles was not given an opportunity to display its qualities. It was constantly under ideological attacks as being a disguised *unitarism*, *hegemonism* etc. Thus, for example, a proposal made by Slovenian scholars in the 1950s that Yugoslavia, according to the principles of economic geography, should be divided into *four macro-regions* did not stand a chance of being seriously considered by the political factors. Any subsequent hint at the possibility of introducing federalism

based on regional and developmental criteria was condemned as “an attempt at restoring *banovinas*” (multiethnic administrative subdivisions of Yugoslavia before 1941).

The 1974 constitutional model of federalism was implemented and institutionalized on the basis of plural national sovereignty which, “being confederally intact, sucked into its realm every issue raised at the federal level. Thus, in Yugoslavia, all issues of development, modernization, new technology, information systems, democratization etc., by the sheer manner by which they were raised and resolved, were turned into vital national questions and thereby into official inter-ethnic disputes” [Samardžić 1992].

All things considered, federalism in Yugoslavia could not but fail: sham democracy in a (withering) state without the rule of law, with a semi-natural inefficient economy, an absolute “ethnicization” of all relationships and the negative politicization of each and every question could only result in a “façade federalism.” Consequently, what failed was not “real” but *distorted federalism*. It did fail, but was the federalist idea, the idea of democratic federalism defeated in Yugoslavia? If all the preconditions for constitutional and democratic federalism had been satisfied, would Yugoslav federalism have been able to resolve the question of “plural national sovereignty,” which, indeed under extremely unfavorable conditions, it has thus far failed to do.

## FROM UTOPIA TO DYSTOPIA

The Yugoslavia established in 1918 and reconstructed along federal lines in 1943 is gone. The circle is closed. It was a long journey from positive to negative utopia (dystopia): from a nonexistent place to a bad, grim one. Dystopia is a common designation for the post-communist chaos and the post-Yugoslav chaos. With the collapse of the Titoist regime, the federal state also collapsed (because it was an ideological, party-based and not a legal state). The ideology was utopian; thus Yugoslavia (un)justifiably (?) shared its destiny.

Would the destiny of the second Yugoslavia have been the same independently of this? In other words, was the first Yugoslavia *utopian* as well? It was also an ideological state, based on an idea of integral Yugoslavism. Therefore, it also was a forced community, an “amalgam” produced primarily by ideological coercion. Yugoslavia as an unforced community could, in principle, be established as a community of interests, of probably loosely connected parts: *democracy* within it could work, because, as Kielmansegg argues, it *can only endure a plurality of interests, to a lesser extent a plurality of values, but almost to no extent a plurality of identities* [Kielmansegg 1991]. Can Yugoslavia survive as a voluntary spiritual community? A positive answer presupposes the existence of a Yugoslav nation, that is a Yugoslav national (spiritual) identity, since experience tells us that only a nation is a spiritual community.

Was there a Yugoslav “we” consciousness? It is evident that since 1918 there have been *different perceptions* (and different projections) *of Yugoslavia*: it turned out that some nations saw Yugoslavia (and subsequently communism) only as a vehicle for achieving some other (national strategic) goals, whereas

for other nations Yugoslavia was a utopian ideal. The fall of communism in Eastern Europe provided the former with an opportunity to implement their strategic ideas (a sovereign state and national independence), while the latter saw Yugoslavia as the “final” solution.

Was the break-up of Yugoslavia chiefly caused by *external factors*, or should most of the blame for Yugoslavia’s exit from the historical stage be laid on *internal factors*? There are those who argue that “Yugoslavia was created by Europe” [Ekmečić <https://www.novosti.rs/c/drustvo/vesti/947083/evropa-gradila-razgradila-jugoslaviju-akademik-milorad-ekmecico-istorijskim-pret-postavkama-radjanja-zajednicke-drzave>], implying that Europe can also destroy it if it so chooses, and others who find that internal events have played a crucial role. According to the latter, all that happened in Yugoslavia from 1918 to 1929, 1934, 1937, 1941, 1943, 1945, 1964, 1968, 1971 to 1974... inevitably (?) led to what happened in 1990, 1991 and 1992. This article is not designed to analyze either the underlying or the immediate causes of current events on the territory of the former Yugoslavia. But, despite the absence of a “historical distance,” it seems that the thesis proposed at the beginning of this study about the importance of the regional problem has been confirmed: the regional problem was dramatically interrelated with the major issues of a multinational, federal, socialist community; thus, the study of the former has undoubtedly provided a clearer perception, explanation and understanding of the latter.

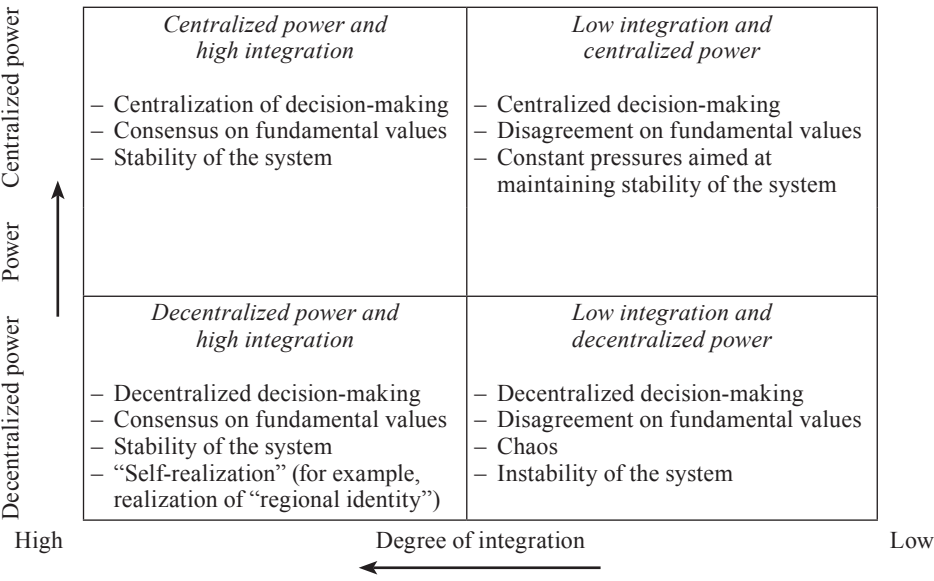


Figure 13. (de)centralization and (dis)integration

The Yugoslav pendulum swung ever closer to the point of disintegration, built-in “destabilizers” were activated, the (un)planned collapse of the state took place. This break-up was significantly facilitated by the regional policy,

particularly by the formulation and operationalization of regional development goals. But the regional policy itself (and the way in which its goals were set) was undoubtedly a result of the action of other, deeper and more powerful forces.

Yugoslavia has disintegrated into several smaller states. Many problems of the former state will be passed on to the newly emerged states. And these also are now faced or will be faced with problems of regional development disparities, federalism, inter-ethnic tensions...

(1992)

## REFERENCES

- [Ерши 1986] → Иштван Ерши. Люди дани младог Маркса, *НИН*, 31. август 1986.
- [Илић 1991] → Јован Илић. Карактеристике и значај неких етнонационалних и политичко-географских фактора важних за евентуално политичко-правно разграђивање Југославије, у зборнику: *Југославија које више нема*, ур. С. Перовић, Удружење правника Србије, Београд 1991.
- [Очић 1981] → Часлав Очић. О концепцији развоја и јединству југословенског привредног простора, *Економика удруженог рада*, 7–8, 1981.
- [Очић 1986а] → Часлав Очић. Хетерогенија циља или лукавство политичког ума, у: Иван Максимовић, ур., *Криза југословенског економског система*, САНУ, Београд 1986.
- [Очић 2022] → Часлав Очић. *Регионални проблем и слом Титоове Југославије*, Београд 2022. (у штампи)
- [Bicanic 1988] → Ivo Bicanic. Fractured Economy, in Dennison Rusinow, ed., *Yugoslavia: A Fractured Federalism*, The Wilson Center Press, Washington 1988.
- [Breton 1964] → Albert Breton. The Economics of Nationalism, *The Journal of Political Economy*, 4, 1964.
- [Burkett and Skegro 1988] → John Burkett and Borislav Skegro. 1988. Are Economic Fractures Widening? In: Dennison Rusinow, ed., *Yugoslavia: A Fractured Federalism*, The Wilson Center Press, Washington 1988.
- [Dumont 1994] → Louis Dumont. *From Mandeville to Marx: The Genesis and Triumph of Economic Ideology*, University of Chicago Press, Chicago 1977.
- [Ekmečić 1988] → Milorad Ekmečić. <https://www.novosti.rs/c/drustvo/vesti/947083/evropa-gradila-razgradilajugoslaviju-akademik-milorad-ekmecico-istorijskimpretpostavkamaradjanja-zajednicke-drzave>)
- [Hansen 1978] → Niles Hansen. Economic Aspects of Regional Separatism, *The Regional Science Association Papers*, Vol LXI, 1978.
- [Hadžiomerović 1989] → Hasan Hadžiomerović. Elementi ekonomske teorije regionalnog razvoja, u: *Neravnomerni regionalni razvoj u ekonomskoj teoriji i praksi*, ур. К. Милјовски и др., МАНУ, Скопје 1980.
- [Kielmansegg 1991] → Peter Graf Kielmansegg. Koliko pluralizma podnosi demokratija? *Gledišta*, 3–4, 1991.
- [Kraft 1989] → Evan Kraft. *Capital Accumulation, Industrial Structure and State Investment Policy in Yugoslavia, 1966–1982*, Ph.D. dissertation, New School for Social Research, November 1989.
- [Kraft 1992] → Evan Kraft. Evaluating Regional Policy in Yugoslavia, 1966–1990, *Comparative Economic Studies*, 1992, pp. 11–33.
- [Ocić 1986b] → Časlav Ocić. *Nacionalna ravnopravnost i regionalni razvoj*, Institut ekonomskih nauka, Belgrade 1986.
- [Ocić 1990] → Časlav Ocić. *Rast ili vlast*, Ekonomika, Beograd 1990.

- [Samardžić 1992] → Slobodan Samardžić. *Jugoslavija pred iskušenjima federalizma*, Stručna knjiga and Institut za međunarodni radnički pokret, Beograd 1990.
- [Schumacher 1973] → Ernst Friedrich Schumacher. *Small is Beautiful: A Study in Economics As If People Mattered*, Blond and Briggs, London 1973.
- [Sugar 1963] → Peter F. Sugar. *Industrialization of Bosnia-Herzegovina, 1878–1918*, University of Washington, Seattle 1963.
- [Vukmanović Tempo 1971] → Svetozar Vukmanović Tempo. *Revolucija koja teče 1–2*, Komunist, Beograd 1971.
- [Walper 1970] → Karl-Heinz Walper. *Föderalismus*, Colloquium Verlag, Berlin 1970.

#### FURTHER READING

- Bateman, Deborah, Mieko Nishimizu and John Page. Regional Productivity Differentials and Development Policy in Yugoslavia, 1965–1978, *Journal of Comparative Economics*, Volume 12, Number 1, March 1988.
- Berg, Stephen. *Conflict and Cohesion in Socialist Yugoslavia*, Princeton University Press, Princeton 1983.
- Bookman, Milica Zarkovic. The Economic Basis of Regional Autarchy in Yugoslavia, *Soviet Studies*, Volume 42, 1, January 1990: 93–109.
- Ding, Wei. Yugoslavia: Costs and Benefits of Union and Interdependence of Regional Economies *Comparative Economic Studies*, Volume 33, № 4, Winter 1991: 1–26.
- Eger, Thomas. *Das regionale Entwicklungsgefälle in Jugoslawien*, Schöningh, Paderborn 1980.
- Dyker, David. *Yugoslavia: Socialism, Development and Debt*, Routledge, London 1990.
- Flaherty, Diane. Plan, Market and Unequal Regional Development in Yugoslavia, *Soviet Studies*, Volume 40, № 1, January 1988: 100–124.
- Milanovic, Branko. Patterns of Regional Growth in Yugoslavia, 1952–83, *Journal of Development Economics*, 25, 1987.
- Rusinow, Dennison. *The Yugoslav Experiment*, Berkley: University of California Press 1977.
- Sacks, Stephen. *Self-Management and Efficiency: Large Corporations in Yugoslavia*, George Allen and Unwin, London 1983.





## LEGAL FRAMEWORK OF MARITIME TRADE IN MEDIEVAL BOKA KOTORSKA

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**SUMMARY:** Maritime law offers a clear example of how legal norms originated and developed based on the development and expansion of certain activities in social communities. The need of these communities to preserve certain relations associated with such activities and to elaborate them further led to their standardization and codification. This process was constantly renewed with each significant change in the organization of key activities, and that also entailed a change in the organization of communities.

The interrelationship of seafaring and trade is one of the key propellants of this development and contributes greatly to its intensity. The need for the expansion of markets makes constant and increasing demands to seafaring, and the technical development of maritime traffic contributed greatly to the flourishing of trade.

The seafaring traffic and trade in the autonomous communes and states in the Adriatic made a particularly valuable contribution to this development not only in the Middle Ages, but also later, during the period preceding the emergence of civic social and legal systems. Kotor and other communes in the Bay of Kotor made notable contributions to the elaboration of maritime law. Their statutes and other legal acts, including the statutes of fraternities, collections of texts dealing with maritime law and numerous notarial records, represent a rich legal heritage and testify to the general development of maritime law.

Kotor made a singular contribution to the general development of maritime traffic and trade by the activity of a professional association, the Fraternity of Saint Nicholas the Sailor. The importance of the economic activities connected with seafaring and the overseas markets, as well as for the life and progress of the Kotor community enhanced the importance of this guild to such an extent that some prerogatives of the public authorities – including even some deemed inalienable in other communities – were transferred to it.

A detailed record of the organization of all sorts of relations associated with maritime traffic and trade, seafarers, and merchants, has been preserved in its numerous documents, which testify to its legislative activity and to the awareness of its great importance for the ordering of social relations. The ordinances regulating the joint ventures of merchants and seamen in *entica*, *colleganza*

and rogantia are among the earliest enactments of the kind not only in this Region, but in general.

KEY WORDS: maritime law, maritime trade, Boka Kotorska, Statutes, fraternities

Medieval maritime communes were closed environments which at times had a mutual relationship akin to that of foreigners, even when they were part of the same state. Sometimes they would even wage war against one another.

That medieval particularism initially did not allow for any significant exchange between them, even when they were close neighbors. As economic interest always prevails, so the development of a commodity and monetary economy resulted in increasing suppression of the subsistence economy, and that imposed the problem of exchange on a wider scale. At the time, exchange among communes was most efficiently carried out by sea, which required such activities to be placed into a legal framework, and that gradually led to the creation of maritime law in the southeastern part of the Adriatic, first as customary law and later by codification through the statutes of free cities.

The advantage of norming medieval maritime law were the relations that were established around the ship as a vessel and its cargo, i.e., the goods meant for trade. Thus, regulation covered everything that pertained to the ship itself: both as an object and as a specific community comprising the captain and his crew, who were also joined by the vessel's co-owners. These norms also regulated everything that had to do with the loading and reloading of goods. The goods loaded onto a ship constituted the ship's cargo, the subject of a separate set of norms.

Finally, these regulations also govern the relations pertaining to the protection of ownership of the cargo, representation of the owners' interests, but also purchase and sale itself. All these relations comprised a plethora of mutually connected and complex norms, more so since they themselves, based on which the norms were made, were more complex: oftentimes the captain and the crew members were also the co-owners of the ship or cargo, and vice versa.

Along with this set of norms, one should also add to medieval maritime law the norms that refer to fishermen, fishing and supply of catch, and, absolutely not losing sight of the fact that seafaring is inextricably linked to trade, also those that established special regimes of trading in particular goods, as well as relations between maritime merchants.

## POSITION AS A PREREQUISITE OF ACTIVITY

The economic progress of Kotor, based on trade, can be traced back to the early Middle Ages [Ћирковић 1976: 30]. The crucial factor in that was its position at the top of the Bay of Kotor (Serbian: Бoka Которска, Boka Kotorska; Italian: Boche di Catarro) and that it was the destination for maritime traffic on one side and continental on the other, and thus the exact point where goods were reloaded and exchanged, which led to the city's developing into an important trading settlement [Милојевић 1953].

Kotor had considerable trade ties with Dubrovnik and cities on the opposite coast of the Adriatic Sea. Business with Dubrovnik was permanent, as verified by an agreement concluded between these two cities in 1181 [Voje 1976: 62].

The city saw its peak, its greatest economic, cultural and other progress as part of Serbia under the rule of the Nemanjić dynasty, where it represented a natural point of access to the sea [Gelcich 1880: 108–109, 113]. Trade partly took place at sea and partly via the hinterland [Milošević 1980: 11]. Kotor had flourishing intermediary trade, conditioned by a lack of natural wealth in its immediate surroundings. Denizens of Kotor transported goods from overseas, goods produced by Kotor craftsmen, as well as salt, wine, figs and other fruit, to continental Serbia by caravans. From there they brought back ore, wood, leather, cattle, fat, cheese, honey and cured meat [Kovijanić 2007: 146; Čremošnik 1921–1922: 158]. The clever merchants of Kotor received various benefits and privileges from the cities they traded with, beyond the Nemanjić-ruled Serbia, and so in Bari they were exempted from paying the market tax and the tax on ships [Ћирковић 1976: 30].

For Serbia, Kotor was not just the main sea port, a window to the western world in the political, economic and cultural sense, rather it represented the most developed city in the country, an endless source of state revenue. Kotor of that time was almost neck and neck with Dubrovnik in terms of economic development and power [Даниловић 1972: 279]. Having conquered it, the Nemanjić dynasty tried to keep it as long as possible, granting it various privileges and liberties: it was a political unit of sorts, with a special status, both regarding its internal organization and economic development [Динић 2003: 82].

That is why the Kotor nobility, *nobilitas*, at the time of enactment of the Statute, was more focused on its relations with the suzerain, from whom it received benefits and estates. What was related to the sea and maritime activity was left to the plebeians, who practically could not obtain land. Thus, the Kotor Statute was left almost devoid of maritime law provisions.

Seafaring and trade are inextricably linked. Their development is mutually conditioned and so maritime law includes norms particularly regulating the foreign trade of Kotor citizens. However, internal trade is also tied to regimes of foreign trade operations, because very few things in Kotor were produced solely for its inhabitants.

Dependence on foreign markets was nearly absolute both in consumption and production. Provisions that regulate ways of organizing trade, relations among merchants, as well as relations between merchants and investors, those who entrusted them money or a particular trading job, are also in this group. Of the latter, the City Statute also includes one titled *De rogantia*.

For Kotor, trade was equally valuable as seafaring because it developed at the same time and affected social relations and the legal environment in which it took place.

Among the provisions of trade, but also maritime law is: chapter CLXXXI of 1359, *On how citizens or subjects of Kotor shall not transport grains to other parts on their ships*, which prohibited Kotor's citizens from transporting grains from the City on their ships, under penalty of losing the ship, with a fine of

50 perpers. Therein are also provisions that regulate separate regimes of trading in certain goods, protection of the market, and the customs policy: Chapter CLXXXIV – *On those who prevent wheat from entering the city of Kotor*, Chapter CCCXXXIII – *On how to buy grains and other foodstuffs*, Chapter CCCXXXVI – *On he who would export grains or other foodstuffs*, Chapter CCCXXXVII – *On not exporting fat from the City*, Chapter CCCX – *On cheese and cattle, that they shall not be taken to other cities*, Chapter CCCXXXVII – *On not bringing wine from abroad*, Chapter CCCXXXVIII – *On wine brought from abroad for sale in our district*, Chapter CCXV – *On wood, planks, beams, wicker, shingles and other items of the sort*, Chapter CCCLXXXV – *On the customs duties of Kotor to be paid to the chamberlains of the Commune*.

### MARITIME TRADE

Seafaring and trade are primarily connected by a ship and that is evident in the example of the general average: legally speaking, that is a complex event in which various relations intertwine with consequences resulting from the cause of the accident. The focus in the Middle Ages was all the more on the ruin of a ship along with cargo because sailing depended on a multitude of factors that could not be acted upon in advance, nor could their harmful effect be prevented, except for the situation of a maritime *iactus*<sup>1</sup>. That is why it was important to regulate what happens with the cargo, its salvaged portion, and how merchants, ship owners and crew are compensated.

The general average entails any damage sustained by a part of a ship, the ship itself, the cargo on it, but also by ship personnel on foreign land, and so the general average also includes “*giving a gift*” – *a strenna*, which one merchant ship paid to a warship or another otherwise armed ship during an encounter at sea, or paid dues – *pedociae* when entering or exiting a foreign port, or when it moved through dangerous and unsafe places, in order to avoid the general average [Bogojević-Glušćević 2002: 26–27].

Both in the event of damage sustained and with precautionary measures, the general average was calculated proportionally, both relative to the value of a ship and to the value of the goods on it. Depending on the estimated value of the ship, the general average included two thirds of its value together with the goods it carried. That comprised the main, passive mass according to which an expense in the appropriate percentage relative to the owner, co-owners of the ship and owners of the goods was determined. This also applied to crew members if, besides their luggage and personal weapons, they had some goods for trading as well. Then they, too, would have to participate in compensation for the damage or in paying the special expenses arising from thus understood general average [Brajković 1933: 192].

The Statute of the City of Kotor indirectly touches upon this institute, in the brief Chapter CCCLXXIX – *On giving gifts to ships and pilots*, which

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<sup>1</sup> Indirect damage or maritime *iactus* is the jettisoning of goods or cargo from a ship into the sea, so as to make the ship lighter and prevent greater damage, i.e. to save the rest of the cargo and the ship [Bogojević-Glušćević 2002: 19].

speaks about the general average as an expense of the voyage itself<sup>2</sup>. It states that what was given as a gift, or for piloting, is divided between all the participants on account of the general average. We see from the provision that a “majority” decided on this expense. Also, the expression: “... to be divided...” shows that the procedure of joint compensation of damage through contribution, known in the Adriatic as *per avaream*, or *per variam*, or *per vareom*, was familiar in Kotor. It was applied in the following cases: because of a storm, seizing of the ship and its cargo by pirates, enemy attack, arrest of sailors in foreign territory, and payment of ransom and piloting [Bogojević-Glušćević 2002: 18].

## PROFESSIONAL MARITIME TRADE ORGANIZATIONS

Common people, especially seafarers, who dealt in trade and craftsmen joined fraternities, associations of particular professions and crafts closed to nobility, which were the only bodies where they could work and act, practice their religion and engage in social life and only in that way influence the government. They were a link between public and private activities.

The right example for that is the Fraternity of Saint Nicholas the Sailor, a professional organization of seafaring citizens which did not let members of the nobility into its ranks, even if they were seafarers, because together with the other citizen trade associations it was part of *Universitatis populi*, an organization of the civic stratum of society opposed to the association of Kotor noblemen called *Comunitatis*.

The Fraternity of Saint Nicholas the Sailor through its work and norming helped shape and codify maritime law and commercial law along with it. Its primary task was to develop seafaring, protect the interest of seafarers themselves and ensure that there is organized resistance in the event of war. The fraternity enacted the statute, which was preserved, in 1463.

Provisions of the statute define all areas of activity of the Fraternity, membership and the members’ activities, as well as internal organization. The statute also regulates relations between the members – fraters and those with whom they engage in business relations. It also deals with the issue of ownership of a ship and relations among owners, seafarers and merchants. In the process, it regulates matters such as capital pooling, too.

Due to a higher risk of the entire capital an individual has invested in a ship suddenly falling through, even the wealthiest ones were mostly co-owners of multiple ships rather than owners of one or more ships. Co-ownership of a ship and its equipment was divided into shares, of which there was a total of 24. It was also marked as a part of the ship: when it had two co-owners, co-ownership was divided into 12 shares or in half (*parcenevoli per metta della fregata*). That type of shareholding deserves a special place in the general development of local maritime law. It is important because it is comparable to the fundamental principles of corresponding co-ownership in the Napoleonic

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<sup>2</sup> “From maritime law, only the matter of *per avaream* is in the Kotor statute.” [Синдик 1950: 64].

Code. A contract signed in 1518 shows that co-ownership divided into shares was established by a written contract *ad solemnitatem*, as well as that this form of co-ownership began to develop then (that it could not be presumed as part of applicable law). That is a new form of relationship, specifically between one co-owner as the shipmaster and the others with whom he shared ownership [Brajković 2003: 81–83].

## ECONOMIC ACTIVITY – THE BASIS OF A LEGAL SYSTEM

The statute of the Fraternity of Saint Nicholas the Sailor and its accompanying allegations, statutory decisions, constituted a framework wherein all financial and obligations concerning the holding of various annual rituals are specifically defined. The statute also contains numerous data on the nature of maritime commerce, regulates the obligation of paying a certain percentage to society, deals with important merchant markets and the like.

Without joining the Fraternity, no one was able to engage in seafaring. The statute is explicit and clear in that matter, in Chapter IX – *On those who wish to become members of our school*: “We also order that all patrons of naves, small naves, ships, barcosia, and barchette, who wish to be members of our Fraternity and to abide by these orders of ours, shall register along with their ships in this here Statute of ours and swear that they shall preserve all that is contained in it and what shall be ordered in the future...”

Membership, however, was not just a duty. In return, the aid given to the members was both plentiful and frequent, because the organization had not only revenue from customs duties at its disposal, rather it also collected port fees along with some other levies.

## THE PUBLIC-PRIVATE NATURE OF FUNCTIONS OF THE FRATERNITY

The inextricable intertwining of the private, merchant and public-private interest is backed by the fact that the denizens of Boka improved their maritime tactic along with the development of seafaring and trade. Their merchant ships, fustas, frigates, galleons, and tartanes, primarily the so-called Boka shambek, were also adapted for combat, seeing as they were armed with cannons, muskets, and an incendiary mixture [Васиљевић–Висковић 1975: 46].

The Fraternity, by helping with its funds, loans and experience, as well as by advocating privileged trade of Kotor mariners, largely helped to develop the maritime commerce of those parts, without directly participating, as a corporation, in any maritime commerce since it did not have its own merchant ships, because if it did that would have been competition to some seafarers. Even though it did not have its own warships, the Fraternity actively supplied professional crews for state warships which defended and guarded the territorial waters and fought in naval battles. This obligation was the basis for its maritime and trade privileges [Novak 1966: 185]. The benefits received thanks to war merits also included the calculation of a sales tax, the tithe, which was charged



on imported goods sold in Kotor. Allegation 28 accepted a complaint by some fraters-patrons, and they were allowed to have the tax on goods sold calculated on the grounds of the net purchase price rather than based on the one the goods were sold for. The allegation itself also underlines that the purpose of such calculation is to protect and increase profit from trade.

During Venetian rule, the Fraternity was also granted management of a portion of public revenue collected on the grounds of trade. Earlier, according to the city Statute, this job was done by three justiciars, market supervisors<sup>3</sup>, officials of the communal revenue administration, who had broad competences until 1371: they collected municipal excise taxes and various fees, took care of measures, actions, and the like. The most important was their oversight of imports and exports, which was directly tied to seafaring [Milošević 2009: 58]. With the arrival of Venice, justiciars were given a marginal role because of the realization that complex and difficult factors, primarily weather-related ones, as well as those pertaining to terziarias, piracy, customs duties and transportation expenses, should be left to associations and persons living off seafaring, rather than be placed within the firm framework of the Statute. Thus, these affairs ended up in the hands of the Fraternity, as we see in Allegation 27, a certificate for 1647 which listed the members appointed supervisors of trade in foodstuffs. It seems that some of these public-private privileges of the Fraternity existed even before the Venetians. In Allegation 39, a representative of the Venetian authorities confirms the right to collect the excise tax on honey only if it is proven to be justified.

The public legal functions of fraters over time encompassed some completely different activities: the Signoria allowed the Fraternity to regulate the market of certain products, as we see in allegations 51 and 52, which grant four representatives of the Fraternity the right to set the sale price of bleaks.

The public legal affairs of fraters also included transportation of mail, which was entrusted to the denizens of Prčanj. The way in which neighboring Prčanj gained renown and privileges is very special. The Venetian authorities already in the late 16<sup>th</sup> century noticed the high speed of Prčanj feluccas, fustas and gaetas. They traveled much faster than state-owned ships, and so the Signoria decided to entrust permanent maritime transportation (which is considered the first mail transportation in the Adriatic) between Corfu, Kotor, Zadar and Venice to the mariners of Prčanj. Besides public post – *pubblici dispacci*, they also carried, with permission from the authorities, private mail [Milošević 2008: 181]. At that time, the denizens of Prčanj were well into trading with the ports of the Adriatic, Ionian and Aegean seas, as members of the Fraternity of Saint Nicholas the Sailor, where they occupied respectable positions.

Transportation of mail was fraught with danger because the Adriatic and Mediterranean seas were rife with Turkish galleons, with which there were frequent bloody clashes. Mail transit was also connected with particular responsibility, as illustrated by the example of Nicola Contarini, extraordinary provveditore (overseer) in Kotor and Albania, in June 1646 ordering Tomo

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<sup>3</sup> Provision XII of the Kotor Statute – *On the Election of Justiciars and Their Service*.

Grujević to take documents that had arrived in Kotor from Constantinople to the Venetians with a bigger ship crew, and not to stop anywhere under penalty of death, except in Zadar, where he was to hand over the mail to the *provveditore generale* of Dalmatia. Special couriers carried state mail from Constantinople to Kotor by land, while the Prčanj sailors transported it from Kotor to Venice or Zadar. In emergency circumstances, especially in wartime, the Venetians sent the Prčanj seafarers to the Aegean Sea, to convey orders to the captains of Venetian war vessels there. Prčanj ships carried official correspondence every time, at the authorities' call, with compensation in money<sup>4</sup> and toast – *pan biscotto*. Goods could not be transported on those voyages and therefore there could be no trading. For those tasks, the municipality always had two fast gaetas or feluccas ready, which reached the Venetians in no more than 20 days. The denizens of Prčanj had this privilege up until the fall of the Republic, but also during the first Austrian rule in Dalmatia. Because of this faithful service, in 1625 they were freed from the obligation of manual labor on public projects, while a ducal document in late 1629 granted the town the status of maritime settlement. It finally became an independent municipality in 1704.

What followed were years of extremely successful exports; in Venice, the denizens of Prčanj were exempted from customs duties on tallow candles, dried common bleaks and salted eels. For smoked mutton [Gelcich 1880: 51], on the other hand, they did not pay customs duties in the territory of the whole Republic. The fact that all this very quickly economically strengthened Prčanj is corroborated by the information from extraordinary *provveditore* Filippo Boldu on Prčanj inhabitants' help to Kotor, on several occasions. A special license issued in 1688 allowed the denizens of Prčanj to sell smoked mutton, cheese, oil and tallow candles in the "Slavic square in Venice, between two bridges." The same document released them from the excise tax in the sale of cured meat [Luković 1967: 188]. The town itself saw sudden expansion and its good reputation grew. Venice also rewarded Prčanj with numerous charters and additional benefits: Allegation 61 dated to 1689 states that the people of Prčanj paid just 0.5 reals for every ship with merchant goods heading from a settlement under Kotor's jurisdiction, instead of 1 real and 40 grossos that others paid. The same allegation also exempted them from paying an additional grosso per *migliaio* (1,000 liters) of export-bound goods.

After Kotor and relative to other places in the Bay, Perast was next to develop into a major maritime center, precisely due to the direct proximity of the City. Although at first the ships of the denizens of Perast themselves were not many, permission for Perast mariners to load a portion of freight in wood for themselves upon their return from Albania gradually enabled the fleet to grow. At the time, the people of Perast did not have their own capital, rather the bulk of it meant for maritime transit trade came from Dubrovnik, as well as the one set aside by wealthy Kotor noblemen and common people. Unlike the citizens of Kotor, who invested in others' ships, the denizens of Perast over

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<sup>4</sup> The patron was paid between 6 and 10 ducats, sailors between 4 and 8, and they were also given bisquit worth 900 liras [Luković 1956: 40].

time started renting them for themselves, and so they transported ore from Albania, especially bitumen and lead, but also leather and wool, mostly for Jewish merchants, whereas in the opposite direction they exported fine Venetian and Dubrovnik fabrics and wine.

Perast's military role was closely tied to commerce, as we see from documents of purely maritime commercial nature: trade privileges. Once it became clear that Perast was of special military importance, it was given privileged maritime and trade status.<sup>5</sup> Perast gained its strategic position in 1481, with the coming of the Ottomans to the sea, when the small town became the first line of defense in the Bay against the Turkish empire, an irreplaceable frontier guard the Verige Strait and a center for the gathering of haiduks.<sup>6</sup> The town certainly could not have survived without Venetian aid because, aside from its battle readiness and the Fortress of the Holy Cross, it did not have any other powerful defense system.

By gaining 270 privileges, as of 1540 Perast achieved its full affirmation. Said privileges include: the right to granting medical licenses for movement of crews from ships not arriving from plague-affected areas; exemption from paying levies on wines from Apulia, as well as on resin, tar (means of labor) from any place; exemption from paying levies on shipbuilding and anchoring in ports etc. In addition, Perast's inhabitants were entitled to request 350 ducats per year from the chamber in Vicenza, for every confirmation of privileges, not to pay new taxes (set "a few years ago") in the Adriatic, even when loading others' goods onto their own ships in Durres, and not to have to pay a special tax to consulates. There is a document made in 1540 which sets forth that the people of Perast will, without any specification of the type of trade or items for trade, be exempt from levies on maritime trade in the next 20 years, and that they will receive 200 ducats per year from the treasury in Vicenza. The fact that those open possibilities of privileged maritime trade from 1540 were truly wholeheartedly used by the people of Perast, equipped with men and ships, is very realistically testified to by a report by *provveditore* Zuano Lippomano: "There the denizens of Perast, who because of the merits of their ancestors in the service of Your Highness enjoy very broad privileges, and are thus in all situations, where defense of the Canal (the Bay) is concerned, always willing and always ready to defend it with their *kaić* boats and men. Seeing as they have obtained these benefits, they now have about 50 ships of various kinds. That has made them arrogant and not very obedient in anything that is not to their benefit. They enjoy privileges that they may bring to this city (Venice) all their products and goods without any taxes. Abusing the grace of Your Highness, not only do they bring their own products but also from that entire Bay, especially in Risan, every year they procure 250–300 *migliaia* of cheese, with money taken from this one or that one, they go to the Kotor office and swear that they purchased it for their own money and come to this city

<sup>5</sup> This is clear in allegations 66, 67 and 68.

<sup>6</sup> During the War of Candia, there was a haiduk fleet which in 1658 had about 40 ships and almost managed to interrupt all commercial traffic between Dubrovnik and Venice [Milošević 2008: 176].

(Venice) without paying taxes, to the detriment of the taxes of Your Highness. They do the same with wine, cheese, wool, leather and all other items that can be procured in the Bay. They do not settle only for this but they also go to Zante, Corfu and other places, where they load wine, oil and other goods. They return to Boka [the Bay] and Kotor and swear at the office that they bought the goods with their own money and for themselves.” Nevertheless, those benefits were not applied without difficulty in practice. There was a constant struggle with the customs and excise authorities. The people of Perast were constantly forced to complain and submit money deposits because the fiscal and excise organs refused to recognize their right to such broad privileges. They won the lawsuits they filed, managing to get back the deposited amounts. Those disputes most often had to do with the export of oil, wine, anchovies and cheese to Venice, Cerviano, Udine, Piran, Palma, Spina, Cephalonia and Corfu [Milošević 2008: 177; Milošević 1970: 66–67; Milošević 2002: 9–29; Milošević 1962: 180–183].

Much later than Perast and Prčanj, neighboring Dobrota was also granted the status of a maritime settlement in 1717, when its primary activity became trade, along with certain public legal activities.

The Dobrota denizens’ engagement on the side of the Republic resulted in privileges contained in a decision of the *provveditore generale* for Dalmatia, Angelo Emo, in January 1717 [Milošević 2008: 184]. The decision states that in those “final years” Dobrota was particularly active in seafaring and that the large number of mariners led to the place ceasing farming, which had not been bringing it any progress. That economic U-turn really was substantial because at the time the people of Dobrota were said to be “*tutti occupati in nautica*,” all busy seafaring. The decision reads that the authorities hired the inhabitants of Dobrota to perform state service both in and beyond the Bay. With the explanation of *provveditore generale* Emo, that it is a maritime settlement in the commercial and combat sense, the aforementioned document released the people of Dobrota from participation in the Fašinada event and all manual labor, after their settlement was given maritime status [Mijušković 1994: 121–122]. The document granting the settlement maritime status says that it could have obtained that position earlier, while it was treated as a farming settlement, because the small town had more seafarers than Kotor itself. The aforementioned advantage in manpower and vessels of varying capacity was created through decades of efforts [Milošević 1958: 121; Tomić 1959: 247].

The people of Dobrota traded in tallow candles and salted products: cheese, meat and fish, which they salted in their own homes. They procured the salt by first transporting Albanian wheat to Piran and then loading up the empty ship with salt and bringing it back to Dobrota, on account of state monopoly [Milošević 1958: 99]. Of course, in addition to this legal way, salt could be procured through smuggling affairs, too.

They had certainly engaged in smuggling earlier and so they tended to add, in passing, domestic goods from the bay to the legal Albanian grains: cheese, smoked mutton, cured beef, pork, prosciutto, oil, sumac leaves, tallow candles, common bleaks and salted fish, tobacco, wax, dried figs, linseed, rash

(short-nap cloth), tar, honey, wool, and wine, which they usually did not even report, rather they were considered personal goods of the patron and the crew. Thus, they created a particular form of mixed official trade and smuggling, transit, and foreign trade [Milošević 1958: 119–120]. It was precisely contraband that enabled a massive accumulation of capital in Dobrota in the 18<sup>th</sup> century. The economic reality everywhere, including Boka, was certainly “that a sailor is the same as a smuggler” [Mirković 1958: 87]. On the other hand, smuggling by Boka mariners was largely a natural form of resistance to a particularly severe legal obligation on the priority of offering goods to the Venetian market. It seems that legal regulations were persistently violated because the Venetians constantly pointed out that there was “disorder with significant damage to state revenues” in the matter [Milošević 1958]. The first maritime insurance associations in our Littoral were founded exactly there: in 1849, the Fraternal Society of Maritime Security [Milošević 1955: 143], and in 1857, the People’s Maritime Insurance Association. The former provided insurance only from risks related to seafaring, while the latter provided insurance to both maritime and river units carrying cargo. The risk included: shipwreck, fire and piracy-related damage. Due to the competition of Trieste insurance companies, which Austria favored, and those that operated on the principle of mutuality, the Dobrota association was liquidated in 1874.

Unlike Perast, Prčanj and Dobrota, which gained their maritime status during the rule of Venice and obtained economic privileges that helped them develop and amass wealth, the patrician Kotor was a wholly formed coastal city with a well-developed maritime trade tradition, rooted in and confirmed by the Statute [Milošević 2008: 147].

Citizens of Kotor established an environment in which their economic activity took place on solid foundations and in a clear framework. They defined its area, protected the activities and goods in it, and established legal and institutional regulations. Over the course of history, the next position the Commune ended up in and the elements of this framework changed, depending on how much its senior representatives were able to protect its interests. The widest space before them opened up with the dissolution of the Nemanjić state, during self-government. That was when one of the main elements of the framework for economic activity was defined – the area of customs duties, II Statute *On the manner of paying customs duties on goods imported to Kotor and exported therefrom, by both citizens and foreigners, with the proclamation of the borders of Kotor within which goods cannot be unloaded without paying customs duties*. The same provision determined goods that were exempt from customs duties, relative to the area they came from. The Venetian authorities also confirmed this provision at the very takeover of the City. Later, the Signoria’s attitude toward the economic sovereignty of the Kotor Commune changed according to its trade interests, which the Venetians protected at the expense of all those who they thought might endanger them. Therefore, Kotor protected its livelihood with legal norms, too, starting with the City Statute itself and on to the Statute of Saint Nicholas the Sailor and the allegations added thereto. One of the provisions of the City Statute, CLXXX – *On foreigners not*



*being allowed to buy fat or foodstuffs*, directly prohibited foreigners from becoming competition to domestic seafarers and merchants, banning them from buying meat or cereals in the city, unless they were living there and only for consumption within their family.

## MARITIME TRADE CONTRACTS

Kotor's maritime activity dates back to its establishment, but we are unable to track its development primarily because of a lack of sources. Some traces are found in old legends. There are some in documents as well, e.g., in the Treaty of Peace with Omiš made in 1167, during Byzantine rule, which is the first to directly speak of the Commune's seafaring. We learn from the content that the inhabitants of Kotor and Omiš had lively trade and that damage was incurred to the denizens of Kotor on several occasions, which led to the concluding of the Treaty. The document is important because it indicates the existence of a developed merchant navy, in addition to the assumed military one. This document also contains an oath by the prince of Omiš, Nikola Kačić, wherein he solemnly pledged to maintain peaceful relations with the people of Kotor and refrain from pirate operations for the next nine generations. It especially underlined that this applied to ships exiting the port of Kotor, but also those headed there [Smičiklas 1904: 116]. Its content offers an image of the goals of rulers of both places, to secure a fundamental source of life: maritime trade and its unfettered development. The document directly protected Kotor ships and Kotor's maritime trade and bound the prince of Omiš to refrain from any damage to Kotor ships and boats from the Molunat–Trašte area headed to Kotor. After this Treaty came one with Dubrovnik in the 12<sup>th</sup> century, then one with Bari in 1195 which released the municipality of Kotor from the *ancoraticum* and *plateaticum* duties. The denizens of Kotor continued that practice of arranging mutual benefits, as we see in a contract concluded with Ancona in 1350, on mutual exemption from customs duties. Due to such contracts, made with Italian cities across the sea, the commune's maritime trade maintained that orientation even after it fell under Venetian rule. A document dated to 1181, which refers to Dubrovnik, shows that crediting that had been carried out between Kotor and Dubrovnik was fairly uncertain. The well-developed ties between Kotor and Dubrovnik at the time are testified to by the Treaty of Trade signed in 1257. It determined the reciprocity of customs duty exemption, but not in cases where Kotor citizens opened shops in Dubrovnik and vice versa. We also see in a contract signed in 1279 that trade links at the time had highly developed forms, specifically the use of another's ship fleet, trade associations<sup>7</sup> and brokerage [Ljubić 1886: 89]. Contracts with Dubrovnik were valid until 1301, judging by Chapter CCCLXXXI of the Statute of the City of Kotor – *On the citizens of Dubrovnik*. That chapter revokes all the privileges previously granted to the inhabitants of Dubrovnik because they took part in

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<sup>7</sup> “Krasoje the ship owner and Luca de Abbate hereby form an association. Krasoje will trade with Luca's money. A third of the Earnings will go to Luca, while two thirds will go to the ship owner and the sailors“, SN IX, [Мелюговіа ірађа 1980: 26–27].

a joint attack on Kotor, together with “the Venetians, the denizens of Zadar, Croats, and many other different peoples.” How strong and important trade links were in general, and especially those with Dubrovnik, is seen in documents of the City Archive, made 20 years later, and related to the aforementioned ban, which did not seem to have frightened anyone because apparently about 60 citizens of Dubrovnik were living in Kotor at the time and running businesses worth close to 70,000 perpers. But about 50 years after that, there was another conflict between Kotor and Dubrovnik, after which trade and other relations normalized again [Milošević 2003: 31–33].

Kotor also maintained very strong trade links with Apulia, and so as of 1195, thanks to the mediation of the archbishop in Bari, it was exempted from both the port tax and the one on piloting. Similar privileges, based on the principle of reciprocity, applied to seafarers from Bari, too [Синдик 1950: 70]. The principle of reciprocity and exemption from customs duties for Bari served as a model for establishing the same kind of privilege for Apulia, while it is assumed that mutual customs benefits applied to trade affairs with Ancona back since 1350 [Milošević 2003: 27]. The quoted Chapter CCCLXXXV of the Statute, which regulates the Commune’s customs policy, trade with these places is exempted from duties on trading in two types of fabrics<sup>8</sup>. The customs policy changed considerably when Kotor fell under Venetian rule: Venice sought to ensure in every way that the metropolis prospers, while enabling Kotor and other cities on the periphery to survive with modest development. For that reason, it imposed the obligation very early on that all goods must first be sold in Venice, at predefined prices, that they should be subjected to customs duties there, and if they did not go to Venice, a duty must be paid for them as if they were sold there.

Kotor very early had trade relations with the Venetians: Grand Prince Nemanja did not only have trade links to Venice: when he turned his back on Byzantium, he struck closer relations with the Venetians and so his breaking away from the Empire caused a lot of rage with Emperor Manuel. In that period, the Venetians launched energetic actions against the Greeks in the Littoral, in which Nemanja wanted to join them, especially regarding their intentions toward Kotor [Ђоровић 2005: 11].

The financially powerful, experienced and deft Kotor families ruled all the markets, keeping finances and customs offices in their hands and thereby significantly influencing Serbia [Јиречек – Радонић 1990: 190–193]. In fact, the first big trade wave that made Kotor rich started during the commercial expansion of medieval Serbia, in the 13<sup>th</sup> and 14<sup>th</sup> century, possibly earlier, in Byzantine times, when majestic structures such as the Cathedral of Saint Tryphon were built. During the period of the Nemanjić dynasty, the city was tied primarily by caravan routes to the Balkan and trade centers in the Danube region: Serbia, Bulgaria, Romania and Hungary, which means that maritime transportation was still largely left to foreign, especially Venetian, rather than

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<sup>8</sup> At the time, fabrics were subject to a relatively high customs rate because they were vigorously traded, and so were the easiest source of filling the Commune’s treasury.



domestic merchants. This does not mean that Kotor's own maritime trade was not constantly alive and active: there were, as we have shown, very lively ties to Bari, Trani, Monopoli, Barletta, Ancona, Venice, and Zadar. Nonetheless, the main maritime trade capital was not directed toward Kotor at the time. The Republic of Venice had its own consul in Kotor since the 13<sup>th</sup> century. It concluded a trade treaty with the City in 1335, which defined its purview and which underscored that Kotor merchants were up to their necks in debt with their Venetian counterparts.

These relations became more pronounced with the coming of the Republic to power. Already in the first period of Venetian rule, the denizens of Kotor attempted to recover their trade and seafaring or at least raise it to the level the city had during Nemanjić times. The Kotor envoy with the Signoria, Nikola Bolica, extensively explained in 1452 with whom the people of Kotor had special trade relations, mentioning Italian cities, Greece, and Albania. Venice's response, however, was that trade which would be centered in Kotor certainly could not be left to its own devices, and so a disposition lists the goods that may be exported and imported, as well as the destinations of this trade. The products whose export was allowed were: cheese, leather, honey, rash, salt, salted fish; goods that could be imported included: oil (for the citizens' needs), wine, salted meat and foodstuffs, while the permitted destinations were Apulia and Marche. Greece and Albania were not mentioned [Milošević 2003: 25]. Therefore, it should come as no surprise that Kotor's maritime trade always soared when the Republic of San Marco weakened.

### SOCIAL EFFECT OF MARITIME TRADE

A legal system reflects the social relations in which it was created. That is why any social change is a potential cause of changes to the legal norming of activities in a given society. Since the mid-15<sup>th</sup> century, the number of members of the nobility began to decrease rapidly, which also conspicuously diminished their individual engagement in maritime commerce. Kotor's noblemen certainly had a noticeable advantage in seafaring relative to common people, not only in the 12<sup>th</sup> century but afterwards as well, because they had much greater wealth at their disposal and that, of course, made it much easier for them to obtain expensive ships and funds to invest in maritime trade than for ordinary citizens.

Nevertheless, the Kotor *nobilitas*, when it started more seriously dealing in seafaring, offered the possibility of earning more to people lower on the social ladder, too. For, the crew on a nobleman's ship, along with the captain, most often comprised members of the plebs. As workforce became more in demand over time, so the common people's earnings grew, which in turn allowed them to take part in certain trade affairs during voyages: the crew had a right to load some commercial goods – so-called *paraspodia* – onto the ship they were sailing on and sell it for themselves, and were also allowed to make money through some other forms of trade – *colleganzia*, *rogantia* and *entica* [Milošević 2003: 37]. These merchant associations are mentioned in the Statute of the City of Kotor

only in one provision, in Chapter CCCLXXII – *De rogantia*, and so we can say with complete certainty that the rulers of Kotor drew the regulations governing said association from the Statute of Dubrovnik, which had established them in detail. The text of the provision itself, *rogantia* – property given to someone to sell, shows that this method of sale via a broker, in this case a mariner, was widely accepted and known, but the provision itself does not define the term *rogantia*, rather it instantly goes into regulating a particular procedure related to it.

Byzantine maritime law also knew about the earlier established practice of engagement *ad partem*, according to which compensation for a crew's hard work depended on the potential profit of the trade endeavor of the ship owner, i.e. owner of the commercial goods. This practice was also applied in Kotor in the 12<sup>th</sup> century, when seafaring was already developed. Although this type of crew engagement was linked to greater risk, it was certainly more frequent than the one envisaging a prearranged wage [Brajković 1933: 157].

It appears that it was primarily merchants rather than seafarers who were ship owners [Kovijanić 1960: 39]. We have seen that due to potential risk usually several people had shares in the same ship<sup>9</sup>, and that ships were rarely co-owned by two persons or owned by one. However, seafarers who were hired by merchants did trade in their name but also, when reloading the goods, traded for themselves, which also pertained to sailors.<sup>10</sup> Over time, mariners, above all captains, became ship co-owners. They obtained their share through non-financial investment, too, e.g., by covering the cost of ship repair<sup>11</sup> or by investing their own work.

In the first half of the 15<sup>th</sup> century, Kotor ship owners were no longer noblemen but citizens, and there were even common sailors among them. The former were engaged primarily as creditors<sup>12</sup> and people who offered their goods for sale, but who also invested capital through ownership or co-ownership of a ship, although there were creditors among ordinary folk as well. However, in a way that was still cautious investing of money with a high-risk

<sup>9</sup> "In mid-June 1443, Paltašić accepted into co-ownership of a smaller sailboat, a barchetta (in una sua barcheta), Pribo Sodunović and Novak Dodović from Budva, giving them two thirds of the aforementioned sailboat for 20 ducats, one part to each; they owed him 9 ducats. Novak became the captain of this barchetta, while Pribo was the co-owner of Paltašić's Budva barcosium. They divided revenues and expenses into three equal parts," (IX, 184–5), quoted according to: [Kovijanić 1960: 33].

<sup>10</sup> "The sailors from one of Paltašić's ships borrowed from him, on May 22, 1444, for the goods taken – Obrad Radojković 36, Bogić Bjeganović 12, and Bjelak Raljić from Dračevica 89 perpers." (IX, 38–9), quoted according to: [Kovijanić 1960: 33].

<sup>11</sup> "Marin Buča received on March 28, 1443, Miladin Vitić from Perast as captain and co-owner of his barcosium, with the following deal: that Vitić shall at his own expense, before he sets sail for Bojana, put the barcosium in order, tar it and repair all of its parts; when he has done that, then he will receive a quarter of the barcosium and its equipment, with the obligation of giving  $\frac{3}{4}$  of revenue after each voyage to Buča. Before that, in late February, Buča purchased from Vitić for 11 perpers and 6 grossos one half of his half of the barcosium, which he had together with Jacopo Augustino de. That barcosium had a cross mast and six oars," (X, 105, 78), quoted according to [Kovijanić 1960: 34].

<sup>12</sup> "Radoslav Rujevac, the captain (patronus), Ratko Bogdanović and Pribo Čepernić, sailors, took, on September 4, 1450, from Luka Jakov Paskvalić 34 perpers on profit, of which one part to Luka and three parts to the sailors and for the ship. They were to repay him upon the first completed voyage (CXLIX, 569, 577, 589, 617, 624), quoted according to: [Kovijanić 1964: 25].

dispersion among multiple different trade endeavors, but consequently also with more moderate yields<sup>13</sup>.

The development of citizen seafarers brought about not only the development of seafaring in the Bay but also other activities in its territory. Those seafarers did not invest their funds solely in maritime endeavors, rather they built houses, bought land and gave loans with 6% interest for various trade purposes [Stjepčević – Kovijanić 1952: 60]. Exceedingly skilled and agile, they raised commercial transactions to a very high level, realizing that dead capital was the costliest capital and that it constantly had to be turned over – invested and reinvested in different ventures. Thus, it could not be allowed to let a ship sail anywhere empty, rather it moved from port to port with different kinds of cargo, changing lessees and merchants, who settled amongst themselves transactions of surprising complexity. Documents from the Kotor Archive testify to a complex job, launched on June 15, 1445, as an extension of a job from November of the previous year, which consisted of a number of transactions. It involved nine merchants in the area between Kotor, Lezhe, Durres and Budva, wheat and salt were transported, with a total of 10 individual legal affairs. The job wherein all these individual transactions varied in value from 25 ducats to 46 perpers wrapped up on December 23, 1445.<sup>14</sup>

Venice, which was also ruled by nobility but not as conservative as the one in Kotor, and which like the Kotor middle class was predominantly focused on maritime trade and maritime economy, was prone to assist the efforts of Kotor citizens, but with numerous limitations. Of course, such favoritism was in line with its own interests: by offering a class of people the option of developing maritime activity more easily and more rapidly and become the chief carrier of economic life of the region, which it ruled, the Republic simultaneously augmented and expanded its economic aspirations [Milošević 2008: 174].

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<sup>13</sup> Mihailo Paltašić was one of the most powerful and most renowned businessmen in Kotor in the 15<sup>th</sup> century. He is also mentioned in a document from 1443: "In early June 1443, Paltašić accepted into co-ownership of his barcosium, built in Budva (fabricatum in Budua unum barcosium), Mihailo and Mate Dodović, Priboj Sodunović and Dimitrije Miobratović, citizens of Budva. Each of the co-owners had one fifth of the barcosium and its equipment. They agreed for Mihailo Dodović to be the captain of the ship, with the obligation to work to the benefit of all co-owners, and that the ship cannot be leased when it is in Kotor or Budva without Paltašić's permission. Revenue is to be divided according to the parts..." (X, 183-4), quoted according to: [Kovijanić 1964: 32].

<sup>14</sup> "Nikola Paltašić co-owned half of a nave with Nikifor of Durres. Nikifor pledged on June 15, 1445 that, once the nave arrived in Lezhe, he would deduct the expenses of the ship and the sailors incurred between Kotor and Lezhe from lease of the nave, and that co-owner Paltašić can collect, when he wishes, his half of the revenue with a deduction of expenses. On the same day, Nikifor appointed as his proxy Marin Trifun Mihailov Buća because they previously had a joint nave. In November 1444, Paltašić sent to Nikifor in Durres 25 ducats by Ivan Mihailov of Durres, counting a ducat as 40 grossos (3.1/3 perpers). In mid-December 1445, Paltašić formed with Nikifor a joint trade company (societas). Nikola assigned Nikifor to transport some salt from Lezhe to Durres and collect haulage. At the same time, he authorized him to collect 10 ducats from his debtor Bartolomej Brajkov from Durres, as the remainder of an earlier debt of 40 ducats. On that occasion, Nikifor borrowed 46 perpers from Tripuša Pintura from Kotor, to whom he pledged to load wheat on the barcosium of Tripun Pavle Stjepov in Durres. Nikifor of Durres authorized Luka Pautinov, on December 23, 1445, to collect from the citizens of Budva 45 perpers for his portion of the wheat Nikola Paltašić and Stojko Bratosalić had sold," (IX, 403-4, 198, 553, 556, 577), quoted according to: [Kovijanić 1960: 32].

Despite the development of seafaring in Boka, Kotor itself, albeit the most important settlement in the Bay up until then, during the Venetian period – especially as of the 16<sup>th</sup> century – gradually started to lose its relevance because the focus of seafaring was on the interior of the Bay. That is why it was practically left only with the function of administrative center of the Venetian authorities [Milošević 1973: 237–242].

Various trade benefits and customs privileges Venice gave Perast, Prčanj and Dobrota, enabling them to amass wealth, were not to blame for Kotor's economic and maritime downfall. The truth is that all maritime trade brought improvement, but only privileged trade or smuggling were the ones that could lead to real well-being and a considerable accumulation of capital over a short period of time, sometimes within just one generation [Milošević 2003: 17].

The Venetian authorities' pressure, as we have pointed out, was felt most severely in the City's business life, because it was based on numerous bans and restrictions. It largely affected merchants and craftsmen in Kotor because the denizens of Kotor could only produce the items that the Venetians needed, not ones that could rival the Venetians' goods. Seafaring, however, was given a free hand.

The people of Kotor enjoyed the rights of citizens of Venice – *cives de intus* – in limited form. That position did enable them to do business with the Venetians and in cities under the auspices of the Republic, but it permanently hamstrung them relative to non-Venetian ones [Божих 1979: 9–14].

The Republic built its economic system primarily in the interest of its own citizens, living in its territory, trying to protect the conjuncture of the metropolis itself, and so it was completely natural for that policy to severely affect its neighbors across the sea. The population of Kotor almost exclusively lived off brokerage in the exchange of goods between two complementary areas, the Balkan and the Italian one, and so maintaining constant trade links to cities in Apulia was crucial for it. Of course, the interests of the Republic were not the same: they aimed precisely to reduce those links to the barest minimum.

In addition to the fact that Perast, Prčanj and Dobrota in time took over as maritime business centers, there was another reason that contributed to the beginning of a sudden and irreversible fall of Kotor in terms of seafaring and the economy: immediately upon conquering Kotor, the Republic strove in every way to turn Herceg Novi into a strong maritime trade center.

## SUBJECT OF TRADE

Just like seamen and merchants knew how to protect the very activity they lived off, so they protected the goods that were of key importance to them. Lacking in fertile farmland, and for the sake of subsistence of the population, they treated cereals and other necessary foodstuffs in a special way. Chapter CLXXXI of the City Statute – *On how citizens of subjects of Kotor shall not transport grains to other parts on their ships*, established a special regime of trading in cereals, prohibiting the use of domestic vessels for cereal transportation, unless in cases where a foreigner did not have sufficient capacity to

transport their own grains to the agreed destination. Only then were they allowed to hire a Kotor ship for this purpose and in that case the port of Kotor was practically treated as a port of call.

By protecting their own market and those working on it and living off it, the rulers of Kotor established a special regime of foreign and internal trade through a set of provisions on who was allowed to perform trade, what they could trade and how. Cereals occupied the top spot there because of their obvious importance for survival. The trade regime could in certain periods be more or less strict, i.e. narrow, and so there were times when it was even avoided. If grains ended up at the Kotor port, their trade would fall under certain customs. Those provisions did not always suit merchants, who tried to bypass them by simply not docking in Kotor. Because of those who were inhabitants or subjects of Kotor and who applied this evasion of trade regimes, Chapter CLXXXIV – *On those who prevent grains from entering the city of Kotor* was enacted. The lawmaker clearly called such people “evildoers,” foreseeing a fine of 25 perpers for them, as well as their facing the *Consilium Rogatorum* (Senate).

The cereal trade regime itself, with the exception of oats which were in a free regime, was prescribed in detail in four subsequent chapters of the Kotor Statute, from CCCXXXIII to CCCXXXVI, under the following titles: *How to buy grains and other foodstuffs*, *On not buying grains and other foodstuffs*, *On the denizen of Kotor who sells grains in his house* and *On he who would export grains or other foodstuffs*. These four chapters lay out the specific method of trading in grains, both on the internal market and in foreign trade. Thus, trading in grains without public supervision or in private places was not permitted. Trading in these goods required a license from the city authorities. One half of each contracted contingent had to be set aside for the domestic market, and only then could the other half be exported. Finally, grains could be traded at public green markets, certainly not in houses. The penalties for disregarding these provisions were rigorous, going as far as the confiscation of entire quantities that were being traded without the Senate’s permission or away from the green markets.

The price of wheat itself was also a subject of regulation. According to the content of Chapter CCCXCVII – *On how wheat, i.e., grains shall not be sold for a price higher than the first one set by the seller*, the price had to be determined in advance. After it was transported to Kotor, it could be sold at that defined, announced price, possibly even at a lower price, but not at a higher one. How important wheat was is testified to by the penalty envisaged for non-adherence to what was prescribed in this chapter: confiscation of the entire quantity of wheat in favor of the City and a fine of 50 perpers.

The foodstuff that was ascribed the greatest importance, probably even greater than grains, was salt. Unlike cereals, Kotor was less dependent on foreign trade where salt was concerned because considerable quantities of it were extracted in the territory of the city, too. Some quantities certainly also had to be imported from other areas, primarily from the biggest saltworks in that part of the Adriatic at the time – the one in Ston. Salt trade could be carried out in specifically determined places, salt squares in Kotor itself, and in



Risan and Budva, which were leased out. Sale away from those squares was possible according to the Statute only “*if the ruler opens a new salt square*” in the territory of the Kotor Commune. The text of the Statute provisions shows that the square in Kotor was considered the main one, whereas trade in Risan and Budva could be conducted only in quantities that did not exceed a third of the one traded in Kotor. The organization and method of salt trade were regulated by three chapters of the Kotor Statute: CCCVIII – *On the salt square, that no one shall sell salt at a higher price without the consent of the Commune*, CCCIX – *On the salt square, that no one shall sell salt except in Kotor and Risan*, and CCCXI – *On the salt square in Budva*. The first of these three chapters also regulates the method of forming the price of salt, obviously to forestall speculation based on the importance of this ingredient and on the fact that trading in it, due to the leasing out of squares, was monopolized. Certain quantities of salt – 600 modia – were allocated to every citizen of Kotor in the course of the year, according to an ancient custom that was codified by Chapter CCCXII of the city Statute – *On the salt we are obliged to share amongst ourselves*. Opposition to this custom by those who were granted the right to trade in salt, the salt square lessees, was punishable by a fine of as much as 500 perpers.

A special trade regime was established for other foodstuffs, too: fat, fish, oil, and wine. The aim of these provisions was to prevent exports of foodstuffs that were of vital importance for the life of the Commune or to restrict them by a special regulation. Chapter CCCXXVII – *On not exporting fat from the city*, thus completely prohibits exports of fat from the Commune, going so far as to specify what constitutes fat: cheese, bacon and tallow. The previous chapter prescribes in detail, including price relations, how oil may be exported. Oil had already been in a special price regime – its price had been maximized to 2 grossos per unit of measure by Chapter CLXXIX of the city Statute – *On how oil shall not be sold for more than two grossos per quartuccio*. A ban on exports was also placed on fish, by chapter V – *On fishermen who should not dare to sell fish elsewhere but in Kotor*, enacted during Venetian rule, under Rector Antonio Boccoli. Long before this provision, there was a chapter in the City Statute, Chapter CCCXXV – *On fishermen*, whereby the city authorities went so far as to determine the method of distribution of caught fish, but also the taxes fishermen had to pay the Commune. Half of the catch belonged to the patron, while the other half was divided among the sailors. The provision stipulated that after the sale of the fish at the green market, the point of sale could not be abandoned until the appropriate tax was paid to a City official.

Neither cheese nor cattle could be sold outside the territory of the Commune. Chapter CCCX of the city Statute – *On cheese and cattle, that they shall not be taken to other cities*, explicitly prohibits that. If someone violated this regulation and that violation was proved beyond any doubt, they had to pay as much as 100 perpers. The accused, however, could justify himself in case of lack of evidence, through the testimonies of five witnesses, close relatives.

The heads of Kotor devoted particular attention to wine when defining the regime of trade in certain goods. Judging by provisions of the City Statute, from CCCXXXVII to CCCXXXIX, wine production and trade enjoyed complete

protection, to such an extent that no one, under any circumstances, was allowed to sell wine produced outside of the Commune in its territory. The first two provisions *On how wine shall not be brought from abroad* and *On wine brought from abroad for sale in our district*, set forth a ban on trading in foreign wine on the domestic market. That last in this line – *On those who brought wine from other parts to Brskovo*, surprisingly, extends for the denizens of Kotor the ban on trading in foreigners' wine to the territory that was not under the Commune's jurisdiction but was rather one of the commercial centers, the wholesale market of Serbia in its most developed period during the reign of the Nemanjić dynasty. The aim was obviously to secure a privileged position for Kotor-made wine abroad as well. The content of these three provisions should not be surprising, keeping in mind that the ones who owned arable land and therefore vineyards were Kotor noblemen, whose word, before the arrival of the Venetians, had the greatest and crucial weight in city councils. A special regime and protectionist measures related to cereals, meat, oil and cheese can to an extent be considered care for securing the basic survival of the population of the Commune, but that was not the case with wine. One can live without wine, and so protection of the Kotor market from wine makers from other parts and states was solely in the service of securing a monopoly. Had the motive been different, these provisions of the Statute would not have ordered that the confiscated wine be spilled, rather like in the case of other penalties it would have been divided between the Commune and the claimant.

Although the Kotor authorities, due to the threat of fire, tried to suppress the construction of wooden houses and encourage the building of stone ones,<sup>15</sup> construction timber was still considered a rare good, the sale of which also had to be protected in some way [Живковић 2004: 86]. That is why the Statute also included chapters stipulating this. Chapter CCXV – *On wood, planks, beams, wicker, shingles and other items of the sort*, which defines the free import of said items, protection of importers and basic measures in trade. The provision is such that it unambiguously shows us that there was not enough timber in the territory of the Commune, as confirmed by the following chapter – *That no one shall export wood from our City or its District*, which prohibits wood exports. It also foresees a significant exception, which allows the replacement of a mast in case of need on, obviously, a foreign ship. With this solution, this provision above all points out the activity that was certainly more important in Kotor than house building and for which wood as a precious and irreplaceable raw material for shipbuilding needed protection. The Venetians later ignored this provision, exactly for shipbuilding. As their authority and power in the Bay gradually increased, they first limited the size of vessels that could be built in Boka shipyards, and then began exporting timber from the estates of the Kotor Commune to their own shipyards, and even to the market. A testament to that is a notary document dated to May 1444, drawn up for the business of transporting the “good timber” from Kotor to Apulia<sup>16</sup>.

<sup>15</sup> Chapter CCXLV states that, “based on an ancient legal custom”, no wooden structure without a document is considered a property or has a permanent boundary.

<sup>16</sup> “Matteo, son of Giovanni, Balbi from Venice, residing in Kotor, and Don Tomaso de Bagnolo from Apulia formed on May 6, 1444 a trading company and agreed as follows: that Balbi will choose



## TRADE PRIVILEGES

Customs duties were and still remain a significant instrument of collecting revenue in the public treasury, but also for directing and regulating trade. Chapter CCCLXXXV of the City Statute – *On customs of Kotor to be paid to chamberlains of the Commune* not only specifies the customs obligations for imports and exports, by individual goods, but also exempts certain goods from these levies (fabrics and fustian, for example) as well as certain markets – Ancona, Venice, Bar and Zadar. These goods could be exported to said cities without payment of customs duties on exports. On the contrary, in trade with Dubrovnik a customs duty of 3% was charged in advance.

The Fraternity of Saint Nicholas the Sailor, thanks to its merits in the Venetian navy, enabled its members to gain numerous privileges in maritime trade,<sup>17</sup> both new and old, which had to be reconfirmed from time to time and which all led to the Bay's developing economically, socially, artistically and in every other way.

At the time when it surrendered to Venice, then a great naval force which had a powerful navy at its disposal, Kotor was already a fatigued and exhausted city due to the events that had plagued it several decades prior. It thought that by surrendering it would largely shrug off concern regarding armaments because it had had to turn its last galleon, which it had left before surrendering to the Republic, into a merchant ship in order to survive. Although the Venetians promised to respect the full autonomy of the commune and the various benefits it had acquired, the people of Kotor were aware that their new masters certainly would not want to give them the same status as they had enjoyed in the Nemanjić state, when the City was practically a state within a state. With such benefits, using all that the status offered, the denizens of Kotor believed that the Republic would deal with defense of its territorial waters and borders [Mijušković 1994: 182]. The following is said about the nature of the privileges: *"Privileges are, therefore, living historical matter in the hands of a careful and pragmatic government. Therein a positive principle of tax exemption is essentially proclaimed, but with limitations. Then matters move either towards reducing the limitations, almost up to their annulment, or towards increasing the limitations, almost up to the annulment of the principle itself"* [Milošević 2002: 36]. The fact that the Venetians constantly had to be reminded to respect the usual privileges is also illustrated by Allegation 25 of the Statute of Saint Nicholas the Sailor. It is a document by provveditore generale Alviso Mocenigo, whereby he informs the Kotor rector and provveditore that the Senate has issued new levies on cheese, dried fish – bleaks, and other, so that the state can thereby cover the payment of some levy to Fazular-agma. The document adds that the Venetian authorities do not want the Boka seafarers

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one of its barcosia, load it with good wood, which he will sell in Apulia and split the profit in half. Tomaso has pledged to return a barcosium loaded with 200 thumanos of grains and 100 thumanos... (?), for Balbi to sell in Kotor..." (IX, 26), quoted according to: [Kovijanić 1960: 39].

<sup>17</sup> After that, merchants exchanged goods with southern Italy, especially Apulia, much more easily, as seen in allegations 66, 67 and 68, further in the text.

to be burdened beyond their usual levies and so the provveditore suggests to the rector that old levies should continue to be collected.

The constant struggle to preserve privileges in trade is also the subject of allegations of the Statute of Saint Nicholas the Sailor, from No. 66 to 68. The first one authorizes an admiral to take all the necessary steps to permanently respect the privilege gained back in 1566, which pertains to free trade with southern Italy – Apulia (Sottovento) and the possibility of owning trading spots on Venice's so-called Slavic riva – *Riva degli Schiavoni*. The course of decision-making in the organs of the Republic of San Marco is clearly visible in these three allegations – by the next allegation, provveditore generale Angelo Emo, at the request of the admiral of the Boka navy, recognizes the continuity of the privilege regarding exports of certain goods to southern Italy. Finally, the last of the three allegations contains reconfirmation of the privileges by the new provveditore generale, Alvise Mocenigo III. The entire process of putting forth a request for respecting old privileges up to their double confirmation took more than three years: from February 1714 to November 1717. The privileges had to be confirmed yet again almost four decades later, as shown by Allegation 73, which is in fact confirmation of the continuity of all the privileges granted by the Venetians and which was issued, at the request of Boka navy admiral Vicko Bukarin, by provveditore generale Francesco Grimani. The document makes special mention of trade privileges for the provinces of Marche and Apulia, according to the decrees issued in 1565, 1566 and 1717.

Increasingly pushed back from the east, from the beginning of the 15<sup>th</sup> century the Republic fought for predominance and economic monopoly in the Adriatic Sea. It was not successful in that endeavor as long as the fighting for Dalmatian cities and islands lasted and as long as there was a war with Hungarian King Sigismund. As of 1422, Venice started imposing the obligation on its subjects to take their goods exclusively to Venice and to procure all the other goods they need also in Venice.

A similar thing happened in cheese trade. Venice allowed the sale of cheese from Boka, brought by sailors from the bay, in Slavic square. But the amount of cheese they were bringing in began to increase to the extent that it threatened the price of cheese on the Venetian market. According to Allegation 42 of the Statute of the Fraternity of Saint Nicholas the Sailor, after the cheese sellers' guild in Venice complained, the authorities responded by limiting the permitted quantity of cheese that could be brought over from Boka, and the obligation was set for the Venetian Fraternity of Cheese Sellers to have the right of first refusal. The next three allegations, the content of which leans on this one, i.e., deals with cheese trade, actually set forth avoidance of double taxation between cities that are part of the Republic of San Marco. One Božo Tripunov Rašković loaded up cheese in Trogir and paid taxes there, and then transported it to Venice, as noted by Allegation 43. Allegation 44 already testifies to the existence of litigation between Božo and tax collector Jacopo Pasquali, the outcome of which is seen in Allegation 45 which prohibits Pasquali from taxing Božo again because the latter has already paid the required taxes in Trogir.

Trade in the Republic of Venice was not regulated only by products, but in other ways, too. Thus, the Senate also set a hefty fine of 200 ducats for any of its citizens or subjects who used a foreign ship for transporting goods or traveling. Then came also a ban on leasing Turkish customs and along with it a ban on exports of iron, leather, crimson dye, wax, and foodstuffs, except to Venice. The last one affected the commune pretty severely, especially because there were many blacksmiths, tanners and wax makers, and that black list included items the denizens of Kotor procured in the Balkan countries, which they would then sell as a raw material or processed goods across the sea.

A 10% customs duty on foreign cloths, which were mostly procured from the March of Ancona, was also introduced. As the people of Kotor rebelled against this, the Senate first abolished that obligation, but soon restored it. The Senate did not want to show leniency in the matter of Dubrovnik cloth either, which flooded the market in the 15<sup>th</sup> century. After numerous complaints, the body ordered in 1462 that customs duties must first be paid in Kotor for every piece of Dubrovnik cloth bound for the Venetian market, and so only the Dubrovnik cloth on which customs duties had already been paid could be purchased. Chapter CCCLXXXV of the City Statute – *On customs duties of Kotor to be paid to the chamberlains of the Commune* – directly corresponds to this solution. The chapter regulates the City's customs policy and states that goods traded with the denizens of Dubrovnik must be subjected to customs duties in advance rather than after a completed transaction. Apparently, the interests of the Signoria regarding Dubrovnik coincided with the interests of the Nemanjić dynasty, during whose reign the provision was enacted. Although the people of Kotor requested in vain, in both 1463 and 1468, to again be allowed to import these goods from the Marche, the Senate was implacable. Merchants particularly resented the fact that precisely in those years the cloth manufacturing shop of Stefan Vukčić Kosača was working at full capacity in neighboring Herceg Novi, whereas in their city not even a small workshop of the sort was allowed to be founded.

All this noticeably contributed to a decrease in business connections with the south of Italy. Nevertheless, wheat had to be procured from there since licenses for its export from the Venetian area could be obtained only with the approval of the Council of Ten. In exchange for this cereal, the denizens of Kotor transported domestic short-nap cloth – rash to Apulia, as well as horses, fish, cheese and cured meat. Even though there were many appeals in 1452 to reinstate the old exchange licenses, the Senate remained silent and this business could be conducted only within the limits that met the basic needs of the city.

The decline in revenue from seafaring as the main economic activity in the 17<sup>th</sup> century incited the Kotor councilors to introduce the tithe *in natura* tax. All ships, as we saw at the very beginning, were obliged to give one tenth of their cargo before sailing out of a port to a special shop in Kotor, where impoverished sailors, soldiers and other inhabitants of Kotor bought supplies at preferential prices. This levy was set forth by Allegation 28 enacted in April 1647. The denizens of Perast were the only ones who paid this tax on their own, while for the others the tax was collected by three justiciars – noblemen who

supervised trade. Thus, in addition to bills of landing and health certificates, every ship also had to have a certificate of paid tithe – *bollettino* – in order to be able to set sail.

Seafaring itself, albeit in the service of the Venetian economic policy and under great pressure thereof, nonetheless continued to develop. All wealthy men invested in ships: merchants, craftsmen and physicians. Transportation services brought in a good profit and that was a way to cover, as much as possible, sizable losses in intermediary trade. As we know, due to difficulties in salt production it still had to be imported, and so the Kotor Commune became the importer under Venetian rule, instead of the salt exporter during Nemanjić rule and in the self-government period. The proximity of the Turks, the loss of the Grbalj region and restrictions on free trade imposed by the Republic not only smothered intermediary trade but also emptied the city coffers. In that century and the next, maritime trade was also affected by constant warfare which stripped ships of the necessary workforce [Божих 1979: 40–44]. Kotor's maritime trade stagnated and declined under Venetian rule, regardless of the political and economic state of its suzerain – the Signoria. Kotor's medical regulations, stricter than those in other settlements in Boka, also made maritime trade out of the city more expensive. However, overall trade and seafaring in Boka, in all of its settlements, grew in parallel with the one in Venice, and continued to follow an upward trend even when the power of the Republic started to wane. But, ultimately, the Bay itself began to suffer because of Venice's decline, to gradually decline in terms of the economy and to see French occupation with very little maritime ambition, with the honorable exception of the people of Perast, whose activities continued in both trade and wars, although not for long in their case either [Milošević 1958: 121–123].

## TRADING METHODS

Kotor's economy was borne by seafaring merchants. Like everywhere and in every climate, they operated with others' money and traded and transported others' goods. Loans were a key part of the trading business. Quite a few people dealt in crediting maritime trade in Kotor: ship owners and trade brokers, but also many individuals from all social structures, both common people and noblemen. The most frequent recipients of loans were ship captains, but also sailors. A loan was mostly given for a specific purpose – purchase of particular goods, and so that kind of work was in fact between a loan and a forward purchase. The contracts registered by notaries also squeezed in the distribution of profit from these affairs<sup>18</sup>. Loans could be secured by third persons' warranties, but not necessarily. The absence of guarantors or pledges in most notarial documents referring to loans speaks of a highly pronounced custom of preferring to secure collateral through the honor of one's name and

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<sup>18</sup> “Simik Brajanov together with Priboj Ratković co-owned a nave. On April 17, 1445 Priboj handed over goods worth 100 ducats to Simik, which Simik had given to him ahead of his voyage to Durres, to invest in trade there and divide the profit in half.” (IX, 333), [Kovijanić 1960: 37].

“good faith,” over institutionalized security<sup>19</sup>. The one-third loan or the *terziaria* was another form of doing business<sup>20</sup> which was widespread in Boka during Venetian rule. A creditor would lend a ship owner a certain amount, for a maximum of two voyages, for the loan recipient to use in trading during that voyage or voyages. Upon returning to Boka, the ship owner paid the creditor, along with the loan principal, a third of the profit earned. The one-third loan is special because the creditor also took part in the ship’s risk (of fire, attack by pirates, shipwreck). Patrons of small ships without any personal capital used this type of loan the most. *Terziaria* did not benefit just the loan recipient but the lender as well, since this way they could quickly obtain much higher income than if they invested in a long-term loan. The one-third loan was given to skilled captains with a good reputation [Kovačević 2015: 270].

For these seafarers and merchants, commission from trade and transportation activities was the only source of income but also their and their families’ livelihood. That is why the absence of a bigger number of codified written provisions on the manner in which they did business with each other and borrowed capital, be it in the form of money or as goods, should not be surprising. Turnover and its speed were vital to their survival. In such conditions, one’s word and the custom, the norm stemming therefrom, applied and was as good as written.

The fact that commercial law in Kotor, in the part pertaining to loans and capital investment, does not therefore mean there were no norms or written documents based on customary law. The Kotor Archive contains numerous notarial records, the oldest of which date back to the late 13<sup>th</sup> century, most of which were created as a written testament to the inclusion of trade – loans or capital investments – in a one-off trade venture. Kotor merchants would strike a deal amongst themselves and then simply and quickly shaped the main elements of the deal into a written document at a notary’s office.

Devotion to the customary method of doing business is clearly illustrated by Allegation 49, dating back to the late 17<sup>th</sup> century, which confirms that trade died down from the moment the high representative of Venice stipulated that every agreement, every written record of a loan, i.e., investment of capital, must be notarized in his office, otherwise it would be invalid. This provision was completely unnecessary because contractual relations founded on customary law had obviously functioned for centuries, without any additional notarization by government representatives. Furthermore, one should step into the shoes of a sailor at the time. An audience with the *provveditore*, with prior announcements, a flamboyant baroque ceremony and official treatment, with appropriate attire, would at best take an entire day. And during that one day, a ship could already be reloading freight on the Italian side of the Adriatic. Time is the only capital of a merchant, which belongs only to him. Everything else is borrowed and, as such, produces expenses if it sits unused.

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<sup>19</sup> Personal warranty was rarely encountered, and so Mihailo Paltašić appears as a debt guarantor for some denizens of Budva, in a document from 1445 (IX, 292), quoted according to [Kovijanić 1960: 37].

<sup>20</sup> The first was investing in ship shares.



## SMUGGLING

The well-known smuggling in Boka was inseparable from Prčanj and Dobrota, whereas in the case of “favored” Perast this term is almost not mentioned at all. Wherever provisions regulating a market were too restrictive, there was always considerable likelihood that there would be some who would be willing to undertake trading beyond regulations in exchange for appropriate compensation. We come across indirect evidence of the existence of smuggling, almost as a rule, where trading in particular goods is regulated: thus, Chapter CCCXX – *On the revenues of the Commune from the slaughterhouse* extensively determines the method of treating livestock and processed meat and their introduction to the Commune’s market. Only briefly, at the very end, does the chapter also set forth a penalty for smugglers who do not abide by these rules.

Smuggling was, first and foremost, an expression of the struggle against a directed economy and monopoly, be it domestic or Venetian, and it was demonstrated by those who did not have great privileges. Domestic monopoly was the most developed, as we have seen, in wine trade. It was also legally regulated by three chapters of the City Statute, to satisfy the interests of domestic, privileged wine making families. The wine supply was thereby strictly defined, but demand did not allow it to be managed in that way, because where there was or is unmet demand, there is always someone to meet it. In Kotor’s case, that could only be done by sidestepping the law.

Chapter CCCXLIV of the City Statute – *On not bringing wine from abroad* notes that “since ancient times” (*“licet antiquitus”*) wine imports to Kotor have been prohibited and that many do not follow that regulation but rather “... insolently and secretly import that wine, contrary to that ban and to no small detriment of our citizens...” For that reason, the ban on imports was confirmed and penalties were prescribed for those who did not adhere to it.

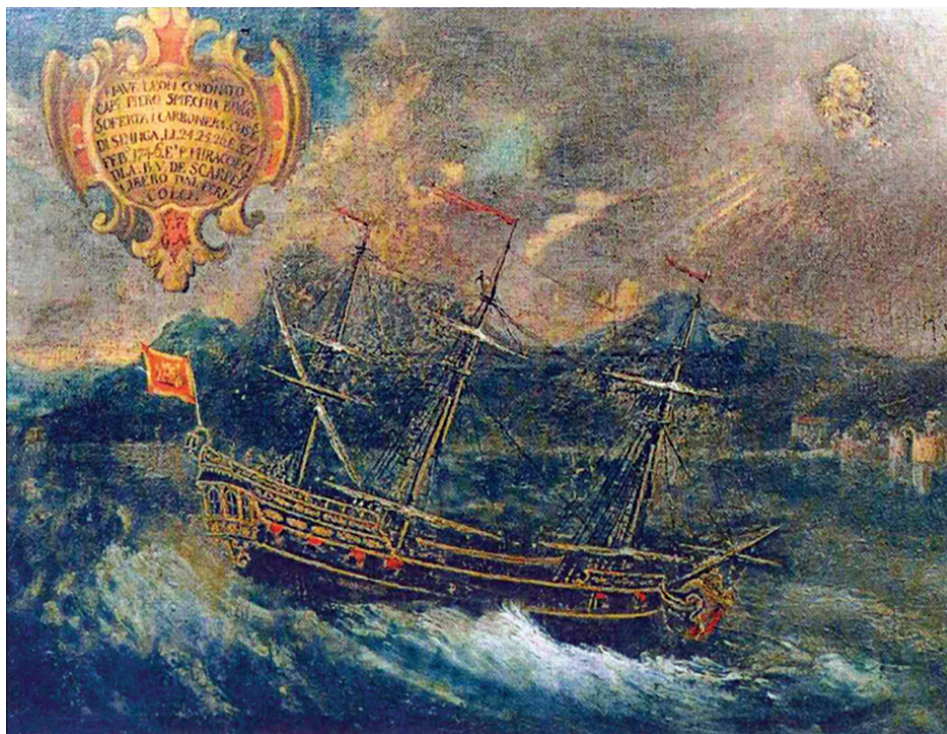
In 1422, the principle was proclaimed that all goods must be bound for Venice and that as soon as they are brought in, customs duties should be paid. Nevertheless, its validity was not stable and could not be generalized because the Republic itself did not always apply it, in situations where it was to favor someone. In addition, Venice itself frequently changed this regulation and so the Venetian Senate that same year not only issued a conclusion, but also abolished this principle, noting that only Dubrovnik benefited from it and that other Dalmatian cities were ruined by it – *“prohibitio destruit Dalmatiam et vicissim amplificet et redigit introitus Ragusii...certissimum est quod Ragusei remaneant soli mercatore.”* Opinions were not uniform among members of the Senate and so this severe legal obligation was reinstated in 1457 – *“vendi non possit ne conduci alio quam Venetiis”* [Milošević 1973: 250–253].

In the 17<sup>th</sup> century, Venice strove to preserve its trade monopoly and root out smuggling, and here’s why: even though the Republic was a major consumer of the products brought in by the Boka merchants, there was outwitting with Venetian fraternities on prices of goods on a daily basis. What really concerned the Venetian authorities the most during this century were Boka’s

ever expanding exports. The privileged denizens of Boka considered the wide area of the hinterland their home turf, which did commercially gravitate toward them, but which politically was not part of the Republic of Venice. As the people of Prčanj and Dobrota particularly stood out in that, looking to expand not only into legal but also into illegal forms of trade, a real hunt for them was launched during the 1750s. Provveditore generale *Gerolimo Querini* stated in April 1744 that the facts showed that nearly everyone in the Bay of Kotor was making a profit illegally, that they disregarded laws and prohibitions, and maliciously damaged public property. He also said that there was such an abundance of capital in that settlement, largely earned from smuggling, that sums reached up to 100,000.00 ducats. He also touched on the goods that were exported and procured in this unpermitted way: "On departure of ships from Boka, their cargo should contain but a little wax, honey, cured mutton, cheese, tallow candles, rash, dried bleaks, salted eels and pork, products from the Bay, the neighboring hills and Bojana." He underlined that, although all seafaring merchants had regular documents, the first machinations started with their loading up cargo unsupervised, and so not even patrons listed all the goods subject to customs duties in their documents. With those goods, or with oil, tobacco and everything else they piled up, in Albania, Morea and all the way to the Levant they start a new round of smuggling operations. He went on to claim that, instead of heading to Venice first, merchants first supposedly stopped by in Ancona, Trieste, Rijeka, or in places in the Kingdom of Naples, for some insignificant work. He added that cargo was unloaded by special small boats in secluded places and sent to Istria or some other destination. He also pointed out that there was a branched-out network of cooperation with compatriots in Venice, Istria and Friuli, who lived there and performed these illegal but well developed and lucrative operations. In December of the same year, a decision by the customs inquisition of Flaminio Cornero attempted to remedy this situation by strictly monitoring ship papers, checking rewards for suppliers and prohibited the denizens of Dobrota and Prčanj from leasing pielegos, ships suitable for smuggling, and set forth a new obligation, that from then on only tartanes and other, similar ships may be used for the transportation of goods. It also specified that vessels shall enter Venice only via Lido and Malamocco and that they would be considered contraband if they docked via other places. It was also stipulated that upon the arrival of a ship, all cargo had to be unloaded, which also applied to cargo owned by sailors.

The denizens of Dobrota and Prčanj were specifically told that, in Venice in the future, they would have to provide very detailed information on the origin of the goods, place of building and ownership of the ship, and that they would have to surrender their weapons into the auditor's warehouse designated for those goods. They also were not to stay too long and were allowed lodging in specific houses. They were not allowed to stay long in Istria and Friuli either because they presented themselves as merchants but were actually oil, tobacco and cheese smugglers [*Acts of provveditore generale Gerolimo Querini* 1973; Decision of the inquisitor 1744: 15–19].





- [Ћирковић 1976] → С. Ћирковић. *Усјон зейских ірагова*, in: *Исјорија Црне Горе*, књ. 2, том I, Титоград 1976.
- [Ћоровић 2005] → В. Ћоровић. *Илусіірована исјорија Срба*, књ. 2, Београд 2005.
- [*Akti generalnog providura Gerolima Querinija* 1973] → Historijski arhiv Zadar (HAZ), *Akti generalnog providura Gerolima Querinija VI*, str. 405–410, po spisima A. Miloševića, in: [Milošević 1973: 24].
- [Blagojević 2021] → M. Blagojević. *Pod okriljem svetog Nikole i svetog Vlaha*, Beograd – Petrovac na moru 2021.
- [Bogojević Gluščević 2002] → N. Bogojević Gluščević. *Iz pravnog života srednjovekovnih primorskih gradova*, Podgorica 2002.
- [Božić 2013] → I. Božić. *Kotor posle prihvatanja mletačke vlasti*, in: *12 vijekova Bokeljske mornarice*, Kotor 2013.
- [Brajković 1933] → V. Brajković. *Etude historique sur le droit maritime prive du Lyttoral Yugoslave*, Marseille 1933.
- [Brajković 2003] → V. Brajković. *Suvlasništvo brodova na karate u Kotoru u XVI stoljeću*, in: *Život i djelo Vladislava Brajkovića*, Zagreb 2003.
- [Čremošnik 1921–1922] → G. Čremošnik. *Kotorski dukali i druge listine*, Sarajevo 1921–1922.
- [Gelicich 1880] → G. Gelicich. *Memorie Storiche sulle Bocche di Cattaro*, Zara 1880.
- [Kovačević 2015] → Predrag V. Kovačević. *Istorija bokeljskog pomorstva*, Herceg Novi 2015.
- [Kovijanić 1960] → R. Kovijanić. *Jedrenjaci kotorske luke, 1441–5. godine (po podacima iz Državnog arhiva u Kotoru)*, Godišnjak Pomorskog muzeja u Kotoru IX/1960.
- [Kovijanić 2007] → R. Kovijanić. *Kotorski medaljoni*, Perast 2007.
- [Ljubić 1886] → Listine o odnošajih između južnoga Slavenstva i Mletačke republike, S. Ljubić. Knj. 1, Knjižarnica Jugoslavenske akademije, Zagreb 1886.
- [Luković 1967] → N. Luković. *Jedna rijetka rukopisna knjiga iz arhiva bivše opštine Prčanj, Godišnjak Pomorskog muzeja u Kotoru*, XV/1967.
- [Luković 1956] → N. Luković. *Poštanski saobraćaj na Jadranu*, Godišnjak Pomorskog muzeja u Kotoru IV/1956.
- [Mijušković 1994] → Mijušković S., *Kotorska mornarica*, Podgorica 1994.
- [Milošević 1980] → Miloš Milošević. *Arhiv i nauka*, in: *Kulturno blago Crne Gore*, Beograd 1980.
- [Milošević 2008] → Miloš Milošević. *Boka Kotorska, Bar i Ulcinj*, Podgorica 2008.
- [Milošević 1973] → Miloš Milošević. *Dileme ekonomske politike Mletačke Republike prema Kotoru i primorskim naseljima Kotorskog zaliva*, in: *Istorijski zapisi*, knj. 3/4, Titograd 1973.
- [Milošević 1955] → Milošević Milivoj, *Narodno osiguranje u Dobroti 1858–1874*, Godišnjak Pomorskog muzeja u Kotoru III/1955.
- [Milošević 1958] → Miloš Milošević. *Nosioci pomorske privrede Perasta u prvoj polovini XVIII stoleća*, Godišnjak Pomorskog muzeja u Kotoru, VII/1958.
- [Milošević 2009] → Miloš Milošević. *Plovidba i pomorska trgovina*, in: *Statut grada Kotora*, Kotor 2009.
- [Milošević 2002] → Miloš Milošević. *Samoupravni status Perasta za vrijeme Mletačke Republike*, Perast 2002.
- [Milošević 1962] → Miloš Milošević. *Neki aspekti pomorske privrede Boke Kotorske u doba mletačke vladavine*, 1962 str. 180–183.
- [Milošević 1970] → Miloš Milošević. *Pomorstvo – Izvor života na kamenu*, in: *Kotor*, Zagreb 1970.
- [Milošević 2003] → Miloš Milošević. *Pomorski trgovci, ratnici i mecene*, Beograd – Podgorica 2003.
- [Mirković 1958] → Mijo Mirković. *Ekonomska historija Jugoslavije*, Zagreb 1958.
- [Novak 1966] → G. Novak. *Mletačka uputstva i izvještaji, knj. V*, Zagreb 1966.
- [*Pomorska enciklopedija* 1955–1964] → *Pomorska enciklopedija*, Zagreb 1955–1964.
- [Smičiklas 1904] → T. Smičiklas. *Diplomatski zbornik kraljevine Hrvatske, Slavonije i Dalmacije*, Zagreb 1904.

- [*Statut Bratovštine* 2009] → *Statut Bratovštine svetog Nikole mornara u Kotoru iz 1463. sa alegatima do 1807*, priređivači Miloš Milošević i Jelena Antović, Kotor 2009.
- [*Statuta Civitatis Catari* 2009] → *Statuta Civitatis Catari – Statut grada Kotora*, uredila J. Antović, Državni arhiv Crne Gore, Kotor 2009.
- [Stjepčević – Kovijanić 1952] → I. Stjepčević – R. Kovijanić. *O pomorstvu Boke – Podaci iz Državnog arhiva u Kotoru*, Godišnjak Pomorskog muzeja u Kotoru I/1952.
- [Terminacija inkvizitora 1744] → Terminacija inkvizitora za carinu i trošarinu Flaminija Kornera od 5. XII 1744, Pomorski muzej u Kotoru, B 1/10 br. 234.
- [Tomić 1959] → A. Tomić. *Dobrotski jedrenjaci u devetnaestom vijeku*, Godišnjak Pomorskog muzeja u Kotoru VIII/ 1959.
- [Voje 1976] → I. Voje. *Kreditna trgovina u srednjovjekovnom Dubrovniku*, Akademija BIH, Djela, knj. XLIX, Sarajevo 1976.

# CRIMINAL OFFENSE OF THREATENING TERRITORIAL INTEGRITY AND POTENTIAL ACCOUNTABILITY OF TOP STATE BODIES

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**SUMMARY:** In the context of the ongoing talks on the status of Kosovo and Metohia, there is frequent mention in the public discourse of the possibility of Serbia's top state bodies ceding, through a potential agreement with the bodies of so-called Kosovo, a portion of Serbian territory for the sake of uncertain accession to the European Union. The paper considers the current criminal and questions of constitutional law that arise in relation to that possible disposition. The author advocates the position that ceding a portion of territory in line with the Serbian Constitution and applicable criminal legislation constitutes punishable behavior. Ceding part of the territory to another entity is possible only in a proceeding envisaged by the Constitution.

**KEY WORDS:** Constitution, threatening territorial integrity, indemnity

In the last few months, at the height of new pressures on incumbent Serbian state officials to relinquish a part of our southern province through a binding international agreement, there have been only timid voices in the expert public saying that such an option is legally not allowed. Given the length of political dialogue and the breadth of topics that have so far comprised the subject thereof, an impression has been created among citizens that our top state officials, who are involved in these (so-called Brussels) talks, are authorized to give up a portion of Kosovo and Metohia in exchange for some other "value" (membership in the European Union, trade access to the sea, or whatever else). Therefore, we find it important to discuss this possibility from the perspective of arguments of criminal law.

## CRIMINAL OFFENSE OF THREATENING TERRITORIAL INTEGRITY FROM ARTICLE 307 OF THE CRIMINAL CODE

According to Article 307 of the Criminal Code, whoever by force or by other unconstitutional means attempts to cede a part of the territory of Serbia

or to annex a part of such territory to another state, shall be punished by imprisonment of from three to fifteen years. This incrimination entered our criminal legislation in a similar form already with the Criminal Code of the Federal People's Republic of Yugoslavia in 1951<sup>1</sup>. What it had as a special characteristic was the specific act of perpetration (the perpetrator's act "directed against..."), whereby not only an attempt at ceding a part of state territory but also taking any preparatory action that precedes the beginning of the act of perpetration was incriminated as a completed criminal offense [Tahović 1956: 295]. The act was punishable by a strict prison sentence of at least five (to twenty) years or death. The incrimination protected the territorial integrity of the state, regardless of whether the actions were aimed at annexing a portion of territory to another state, or declaration of an independent state in a portion of territory of the Federal People's Republic of Yugoslavia. The Criminal Code of the Socialist Federal Republic of Yugoslavia retained a similar incrimination<sup>2</sup>. Citing force as a means of ceding or annexing a portion of territory was done more *exempli causa*, while any conduct not in compliance with the constitutionally defined authority and procedure envisaged for changing borders was considered an unconstitutional means of carrying out this act [Sržentić *et al.* 1986<sup>3</sup>]. The Criminal Code of Serbia adopted in 2005 largely kept the previous form of this criminal offense, except that it defined the action as an attempt to cede or annex to another state a part of the territory of Serbia<sup>3</sup>. That is why the criminal offense is formally completed by the undertaking of some activity that is considered an attempt to cede or annex to another state a part of territory. That is why the perpetrator's success in the sense of achieving the defined goal is irrelevant in terms of criminal law<sup>4</sup>. An unconstitutional means is still interpreted as being contrary to the

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<sup>1</sup> It encompassed today's incriminations of threatening territorial integrity (Article 307) and threatening independence (Article 305). The act was called "Threatening the territorial integrity and independence of the state" (Article 101 of the Criminal Code of the FPRY). Paragraph 1 prescribed the form which referred to the endangerment of territorial integrity, by committing "an act directed towards forcefully or by other unconstitutional means seceding from the FPRY a people's republic or autonomous unit or any part of its territory."

<sup>2</sup> According to Article 116, paragraph 1 of the Criminal Code of the SFRY, "those who commit an act towards forcefully or in an unconstitutional way separating a part of the territory of the SFRY or annexing a part of that territory to another state, shall be punished by at least five years in prison." Paragraph 2 pertained to changing internal borders between the republics and autonomous provinces.

<sup>3</sup> Similar incriminations which on various assumptions guard the territorial integrity of a country can be found in foreign legislation as well. Thus, German law contains criminal offenses of high treason against the federal state or a province thereof (Articles 81 and 82 of the German Criminal Code), which incriminate, among other things, taking action by force or under threat of force to annex an area or part of one of the provinces to another province, to secede part of a province, or to change the constitutional order. By the taking of such action the act has already been formally completed. The preparation stage is also punishable (Article 83 of dStGB). As the main act of high treason against a state lists threatening the survival of FR Germany as one of the actions acts, Article 92 of dStGB interpretatively explains that damage to the survival of the state is caused by one who for the purpose of subjugation to a foreign government disrupts state unity or secedes a part of the territory that belongs to it. The criminal offense of high treason also exists in Austrian law (Article 242 of the Austrian Criminal Code), and is committed by one who takes action by force or under threat of force to change the Constitution of the Republic of Austria or one of its provinces, or to separate an area that belongs to the Republic of Austria.

<sup>4</sup> Truth be told, the matter of completion of the act in a material sense in the case of political criminal offenses is not without significance. Thus, the criminal offense of attack on constitutional



provisions of the Constitution of Serbia which pertain to changing borders [Lazarević 2011<sup>2</sup>: 892]. In that sense, the Constitution stipulates that the National Assembly decides on changing the borders of the Republic of Serbia (Article 99, paragraph 1, item 2). Article 8 of the Constitution states that the territory of the Republic of Serbia is “inseparable and indivisible,” while its borders as “inviolable” may be altered in a procedure applied to amend the Constitution<sup>5</sup>. Furthermore, the preamble to the Constitution notes that the Province of Kosovo and Metohia is an integral part of the territory of Serbia, that it has the position of essential autonomy as part of the sovereign state of Serbia<sup>6</sup>, and that from that position stem the constitutional obligations of all state organs to represent and protect the state interests of Serbia in Kosovo and Metohia in all internal and foreign relations. Although state organs are otherwise in the nature of things obliged to protect state interests in every part of state territory, explicitly pointing out that duty resembles the establishing of a special guarantee duty and consequently potential criminal liability for failing to act according to duty on the part of the state organs, in the event that these interests are jeopardized in Kosovo and Metohia. Nevertheless, since the constitutional law doctrine denies provisions of the preamble a normative character and legal power [Marković 2006: 8; Pajvančić 2014<sup>3</sup>: 41], an extensive and vague expansion of accountability for inaction on these grounds would not be acceptable.

One should keep in mind that the event where threatening territorial integrity resulted in death of one or more persons, or endangered lives of people, or was accompanied by severe violence or massive devastation or has resulted in compromising the security, economic or military power of the country, is envisaged as a serious offense against the constitutional order and security of Serbia (Article 321, paragraph 1). The offender shall in that case be punished by a prison sentence of minimum 10 years. If in the process of threatening territorial integrity the offender commits premeditated murder of one or more individuals, or if the offense is committed during a state of war, armed conflict or a state of emergency, the perpetrator shall be punished by a prison sentence of at least 10 years or by life imprisonment<sup>7</sup>.

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order (Article 308), defined as an attempt, by force or under threat of force, to change the constitutional order of Serbia or topple the highest state organs, is considered formally completed, because the successful toppling of the highest organs and coming to power will as a rule prevent accountability according to this provision. That, after all, was also the case with the October 5 coup.

<sup>5</sup> The substantial autonomy of the Autonomous province of Kosovo and Metohia shall be regulated by the special law which shall be adopted in accordance with the proceedings envisaged for amending the Constitution. Territory of autonomous provinces and the terms under which borders between autonomous provinces may be altered shall be regulated by the Law. Territory of autonomous provinces may not be altered without the consent of its citizens given in a referendum, in accordance with the Law (Article 182 of the Constitution).

<sup>6</sup> The addition of this provision to the preamble is not only symbolic, given that the procedure for amending the Constitution entails putting the act on changing the Constitution in a republican referendum for the sake of its verification, if, among other things, amending the Constitution also pertains to the preamble (Article 203, paragraph 6 of the Constitution). The amendment to the Constitution shall be adopted if the majority of voters who participated in the referendum voted in favor of the amendment.

<sup>7</sup> Organizing for the purpose of unconstitutional activity, by forming a group or membership therein for the purpose of threatening territorial integrity, is particularly incriminated (Article 319). This form is especially achievable in the event of a forceful attempt to secede a portion of territory.

As regards this criminal offense, the legislator also incriminates the *preparation* stage, and so taking some of the preparatory actions carries a prison sentence of one to five years (Article 320, paragraph 1). Preparation may comprise procurement or enabling means for committing the criminal offense, eliminating obstacles to the perpetration of the criminal offense, arranging, planning or organizing with others the perpetration of the criminal offense, or other actions that create conditions for direct endangerment of territorial integrity (Article 320, paragraph 2). Professional literature generally does not list specific examples of similar preparation of this particular criminal offense. In Yugoslav doctrine, for example in the case of the criminal offense of accepting capitulation and occupation under the offense directed towards such an outcome, which corresponds to the present-day preparation of this offense, engaging in negotiations on concluding an agreement on capitulation was also considered the same offense, among other things [Srzentić *et al.* 1986<sup>3</sup>: 428]. Analogously, holding negotiations the content of which would entail the secession of a portion of Serbian territory could also be considered a form of preparation to threaten territorial integrity.

#### HIGHEST GOVERNING BODIES AND IMMUNITY OF NON-ACCOUNTABILITY

The question arises as to whether this criminal offense can be committed and by which top state organs, bearing in mind that according to the Constitution, a *member of parliament* enjoys so-called immunity of non-accountability, by virtue of which they cannot be called to criminal or any other account for an expressed opinion or voting in performing their duty as an MP (Article 103, paragraph 2)<sup>8</sup>. With regard to the president, the Constitution foresees that “the president of the Republic shall enjoy immunity as a deputy,” and that the National Assembly decides on their immunity (Article 119)<sup>9</sup>. To a similar extent, immunity according to the Constitution is also enjoyed by: the prime minister and the cabinet members (Article 134, paragraph 2 of the Constitution)<sup>10</sup>, the Ombudsman (Article 138, paragraph 5 of the Constitution) and judges of the Constitutional Court (Article 173, paragraph 2 of the Constitution). For an expressed opinion or voting as part of performing their office, those who also cannot be called to account are judges or the public prosecutor, i.e. the deputy thereof (barring the explicit exception of the criminal offense of violation of

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<sup>8</sup> This provision is almost identical in most constitutions in continental Europe (see e.g. Article 68 of the Constitution of Italy, adopted in 1947, and Article 26 of the Constitution of France, adopted in 1958).

<sup>9</sup> Article 11 of the Law on the President of the Republic contains the same provisions.

<sup>10</sup> Serbia is one of just a few European states which expand immunity of non-accountability to include the prime minister and cabinet ministers. According to the Constitution, the prime minister and the cabinet ministers do not answer for an opinion presented at a session of the government or National Assembly, or for voting at a government session. It should be noted that, according to the Constitution, it is unclear who decides on the immunity of government members, seeing as Article 105, paragraph 1, item 7 in that sense points to the National Assembly, while Article 134, paragraph 2 points to the government itself.



the law by a judge, the public prosecutor and their deputy stated in Article 360 of the Criminal Code), or a member of the High Judicial Council i.e. the State Prosecutorial Council.

There are conspicuous differences between immunity of non-accountability and inviolability. Immunity of non-accountability, i.e. *indemnity* (Ger. *Indemnität*) has a substantive legal effect because it permanently rules out any legal liability for acts committed during performance of office. Seeing as a mechanism that enables its annulment is not envisaged, professional literature often stresses the absolute effect of indemnity. Indemnity is not related to the duration of a term of office, and so even after the cessation thereof the question of accountability for an expressed opinion or voting during performance of office cannot be raised. On the other hand, *immunity* of inviolability has only a procedural legal effect because, while a term of office is in progress it represents a procedural obstacle which prevents criminal or other proceedings in which a prison sentence may be handed down from being initiated against the MP who has invoked it or whereby the same has been established, without the approval of the National Assembly<sup>11</sup>. Thus, immunity of inviolability does not affect the existence of an offence and accountability, but rather only defines additional conditions for conducting a proceeding against the perpetrator<sup>12</sup>.

The point of existence of immunity of non-accountability and inviolability is to protect the performance of MP duty and the idea of representative democracy, which prevents the interference of other branches of government in the parliament's work. That guarantees MPs non-parliamentary (but not disciplinary) non-accountability for their activities in the national representative house. The justification of this institution is founded solely on constitutional and political, non-criminal reasons. Giving any privilege to MPs on these

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<sup>11</sup> Deputy found in the act of committing any criminal offense for which the prison sentence longer than five years is not envisaged, may be detained without previous approval by the National Assembly (Article 103, paragraph 4 of the Constitution).

<sup>12</sup> In U.S. law, state officials may be protected by so-called absolute immunity, which completely prevents their criminal prosecution and civil lawsuits as long as they occupy a state post, and so-called qualified immunity, which has a limited effect, and which takes into account the duties of the service the official represents and the objective for the sake of which actions are taken. If in that sense the official meets the appropriate requirements, they will also enjoy full immunity [Marshall 1996: 102]. The U.S. Constitution (Article 1, section 6, paragraph 1) envisages that senators and members of Congress shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place. Federal judges' immunity does not emanate from the Constitution but from common law and is absolute by nature. Although that creates the risk of potential abuse of judicial power, it is believed that the possibility of their recall by Congress is a sufficient corrective measure. On the other hand, as regards the executive, over the last several decades qualified immunity was largely accepted, which covered solely actions carried out in the performance of office and excluded protection if the titular was aware that their behavior was prohibited. In the event of criminal prosecution of state officials (e.g. the president of the U.S.), the Senate judges, which in cases of criminal prosecution may remove an official from office, after which the accused party is subject to charges, trial, conviction and sentencing by regular court, e.g. for high treason or accepting a bribe. Since the U.S. president has a number of important powers they do not share with others (e.g. as commander of the Army and Navy), certain temporary immunity is considered necessary [Griffin 2000: 66].

grounds is not explicable from the perspective of pure criminal law considerations, seeing as that does not correspond to valuations in the sphere of punishment justifiability. That particularly refers to general preventative instances, keeping in mind that the perpetration of criminal offenses by MPs, especially in circumstances of live broadcasts of parliamentary sessions, is largely met with public condemnation. For reasons of preserving the system of separation of powers, the immunity that applies to MPs wholly or partly applies to other governing bodies, too.

The scope of indemnity, as regards the subjects it applies to, situations in which it is applied, and especially its content, i.e. the offences it generally refers to, is highly controversial, while comparative solutions do not provide grounds for reliable generalization. It must be limited in the nature of things, because it weakens the principle of equality of citizens before the law. To determine whether an MP has “expressed an opinion in relation to performing their office,” one should start with the criterion of whether the MP is acting as a member of parliament. In that sense, indemnity primarily encompasses the statements the MP gives within a particular parliamentary body whereof they are a member. It is also unimportant whether the speaker or chairperson had even allowed the MP to speak or if the MP called out something from their seat, if the remark is related to the discussion topic. Nonetheless, the statement must be related to a parliamentary activity, and so private conversations between MPs go beyond the scope of protection. At the same time, the statement need not be given inside the hall, or even in the parliament building, if the session of parliament or one of its working bodies is taking place outside the representative house [Petrov and Vuković 2015: 281]. Statements given during visits by parliamentary delegations in the country and abroad may also be taken into account, if they can be connected with an MP’s official activity. On the other hand, all those activities of MPs which are more or less indirectly connected with the performance of office are not covered by indemnity. “Voting” entails giving a vote regarding certain questions that are raised in that body<sup>13</sup>.

Where acts that can be committed by “*expression of opinion*” are concerned, most authors agree that indemnity encompasses any act which can be carried out verbally, given that this most directly protects free speech. That, according to the traditional view, does not pertain to offence descriptions which are achieved not by a statement but rather by an act, action [Tahović 1953: 167]. Our Constitution does not differentiate between specific categories of criminal offenses committed through the expression of an opinion, and so immunity of non-accountability may cover all criminal offenses that can be committed through an MP’s presentation, regardless of the attacked subject of legal protection. A statement could therefore particularly realize a call for a violent change of

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<sup>13</sup> What makes committing criminal offenses through voting special is also the fact that elements of a criminal offense are not created by the acts of an individual perpetrator, rather a decision is made by a certain number of votes. Although this circumstance raises certain legal questions in the sphere of causality, here it is enough to point out that some MPs, whose votes contributed to a majority needed to make a decision, could not use the argument that the decision would have been made even without their vote as their defense.

constitutional order (Article 309), obstructing justice by calling for resistance or disobedience of judicial decisions (Article 336b, paragraph 1), calling for or instigating a war of aggression (Article 386, paragraph 1)<sup>14</sup>, racial or other discrimination, e.g. by spreading or otherwise making publicly available ideas that encourage hatred or discrimination based on any personal property (Article 387, paragraph 4), public instigation of perpetration of terrorist acts (Article 391a), or calling for or instigating avoidance of military duty (Article 394, paragraph 4). With some of the aforementioned criminal offenses, acts of “calling for” i.e. “instigating” various actions or omissions are prescribed as perpetration acts, which MPs could also commit in TV broadcast. Most European countries are familiar with a similar absolute effect of MPs’ immunity of non-accountability<sup>15</sup>. After some vacillation and the explicit establishment of exception from accountability for slander, present-day German professional literature states that indemnity undeniably covers the content of all statements, regardless of their legal importance. A state secret can also be revealed through a statement, just as citizens can be called on to rebel against the authorities [Klein 2019]<sup>16</sup>. On the other hand, most criminal offenses (e.g. theft, money counterfeiting etc.) still cannot be conceivably committed during a parliamentary activity.

On the other hand, professional literature and comparative jurisprudence today consider it indisputable that receiving a bribe, peddling influence and other offenses which entail *abuse of powers* in performing an office exclude immunity of non-accountability (e.g. an MP receives money to vote for a particular bill).<sup>17</sup> While according to some views abuse of office is not possible through voting for a particular law due to the fact that this falls under MP powers<sup>18</sup>, another view, more represented in comparative judicial practice, nevertheless starts with the fact that besides abuse in an objective sense (going beyond the limits of official powers or not exercising the same), it can be a matter of abuse where one remains within the framework of assigned powers, but where the motive is criminal<sup>19</sup>. Besides, abuse of office is understood in

<sup>14</sup> It is interesting to note that what is used as an example of the punishing free speech which would be covered by indemnity in professional literature [Neumann/2005<sup>2</sup>: 1271] is the example of a parliamentary debate wherein an MP would defend the idea of a preventative military strike by the NATO pact on a state in conditions of an international crisis, which corresponds to this act in our law.

<sup>15</sup> Also, in British legislation a privilege may refer to, for example, stating a threat which aims to cause racial or religious hatred, or hatred based on sexual orientation, condoning terrorist acts or breaching state secrets (see *Parliamentary Privilege*, Cm 8318, 2012, 30).

<sup>16</sup> The predominant opinion in Anglo-Saxon practice, too, is that MPs are not accountable in the event of calling for a rebellion or a similar act against the state. A case from the 17<sup>th</sup> century, of MP Eliot and several other members of the English parliament, who were incarcerated by the king for alleged rebellious speeches in parliament, is usually used as an example.

<sup>17</sup> Besides, the U.N. Convention against Corruption (see Official Gazette of Serbia and Montenegro – International Agreements, No. 12/2005) envisages (Article 30, paragraph 2) that every contracting state shall take measures which may be necessary to establish or maintain, in accordance with their respective legal systems and constitutional principles, an appropriate balance between any immunities or privileges relative to the power recognized for its public officials in performing office and the possibility, as necessary, of efficient investigation, criminal prosecution and trial for criminal offenses foreseen by this convention.

<sup>18</sup> In that sense s. [Hoppe 2011:548; Reinstein and Silverglate 1973: 1162].

<sup>19</sup> [Tahović 1953: 170] also believes that vote trading is not covered by indemnity because the punishment there is not for the voting itself but rather for the actions that precede it. The criminal

that sense in our criminal legislation, too (see Article 359). On the one hand, there is undoubtedly the public interest of ensuring legitimate decisions by MPs, which could not be ensured if their vote were to become the subject of interference of various private interests, while, on the other, it is not ruled out that in that way, indirectly, free speech is limited in parliament. What supports the conclusion that abuse of office is not covered by indemnity is the fact that persons who perform legislative or executive duties are also considered officials in the sense of our criminal legislation (see Article 112, paragraph 3).

It is more difficult to determine what acts can be committed through “*voting*” in parliament. Generally, that could include voting in favor of illegal decisions which would bear the characteristics of a criminal offense (e.g. adopting an act whereby the Assembly recognizes the occupation of Serbia or part of it, Article 306 of the Criminal Code). There is no doubt that criminal liability of the legislative body as a collegial body is not possible, but the question that can be raised here is that of criminal liability of individual MPs who, by their votes, have contributed to an attempt to secede a portion of Serbian territory<sup>20</sup>. Although change of borders is under the jurisdiction of the National Assembly, the Constitution expressly states that the border must be changed in the procedure envisaged for constitutional amendment.<sup>21</sup> As long as MPs act within the constitutionally defined order of changing state borders, their decision-making and voting, regardless of whether this decision of theirs leads to a reduction of state territory, are covered by indemnity. What is controversial, however, is whether that would also apply with regard to disrespecting this legal path, especially bearing in mind that adopting a similar decision beyond the prescribed procedure would constitute an “unconstitutional way” as a form of committing the criminal offense mentioned in Article 307. Moreover, although that attempt at secession would not carry effects of constitutional law, in the sense of offence description it would be a completed offence. However, since our Constitution, unlike some other comparative constitutional regulations, does not envisage exceptions with regard to criminal offenses covered by indemnity, and especially keeping in mind that this is, in the true sense of the word, about an offense committed through voting, one could claim that immunity of non-accountability with respect to MPs would also include this act. Otherwise, criminal liability could be concluded with regard to similar unconstitutional decisions<sup>22</sup>, which would indirectly diminish the general inviolability of the MP office.

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offense of accepting a bribe, stated in Article 367, is also completed before the performance of official action in relation to which the benefit was received, requested or promised.

<sup>20</sup> Generally, in European law, except in Ireland and Great Britain whose regulations explicitly enable the criminal prosecution of MPs in the event of treason and other serious crimes, similar provisions are mainly non-existent.

<sup>21</sup> That primarily entails a proposal for amendment, which may be submitted by a minimum of one third of the total number of MPs, the president, the government, or 150,000 voters. After that, the proposal must be adopted by a two-third majority in the National Assembly. Then an act on amending the Constitution is made and adopted by a two-thirds majority, after which the amendment is adopted by a majority of votes of the citizens who participated in a referendum.

<sup>22</sup> It could also, for example, regarding the adoption of the controversial Montenegrin Law on Religious Freedom, be claimed that those who voted carried out e.g. racial or other discrimination

The majority of authors today believe that, by its legal nature, indemnity represents a personal reason that eliminates the need for punishment, which does not affect unlawfulness or the culpability of an MP – rather only their punishment<sup>23</sup>. The perpetrator's act remains unlawful, and so it may be considered an unlawful attack eligible for defense. Due to the personal nature of privilege, the interpretation that indemnity is a personal circumstance that excludes punishment would, despite the non-accountability of the MP in question – lead to the criminal liability of potential accomplices. Thus, for example, the one who had prepared an agreement under which a part of Serbian territory is ceded to another state would be called to account for aiding and abetting the criminal offense of threatening territorial integrity. Given that the accessory nature of complicity entails the existence of the perpetrator's unlawful act, and that the explanation that it is a personal basis which affects only punishment does not affect the unlawfulness of the act or the perpetrator's culpability – the accountability of the instigator and accessory to the act of the perpetrator MP would be indisputable. That, however, does not rule out the moral and political responsibility of MPs, which regarding decisions that deeply affect the matter of national identity carry a special weight. That undoubtedly also applies to a decision that would separate the part of Kosovo and Metohia from the composition of Serbia.

On the other hand, one should bear in mind that the constitutional distinction between immunity and indemnity does not entail their equalization, in the sense that the titular of immunity of non-accountability is not legally liable for any irregularity that occurs in the performance of office. That would ultimately mean that procedural immunity and the procedure for its annulment is actually unnecessary. What would the point be of prescribing a particular procedure for abolishing immunity if the titular thereof enjoys *ab initio* absolute immunity from any accountability? Furthermore, an expressed opinion and voting in the performance of office does not entail usurpation of powers, i.e. non-accountability even where a governing body exceeds its own jurisdiction and its constitutionally assigned powers. Thus, Tahović also, in his famous article on parliamentary immunity, explicitly points out that the voting privilege applies only to voting on subjects that fall under the jurisdiction of resolution, not to voting on subjects beyond the constitutionally defined jurisdiction [Tahović 1953: 169]. The government and the president of the Republic are not authorized to consider changing state borders, which the Constitution places within the sole purview of the National Assembly. Then that is a case of disrespecting the constitutionally established separation of powers and the mechanism of indemnity, which serves precisely to prevent the illegal interference

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(Article 443 of the Montenegrin Criminal Code), because on the grounds of being of Orthodox Christian faith “fundamental human rights and freedoms guaranteed by generally accepted rules of international law and ratified international agreements have been violated.” The reach of the provision on immunity in the Montenegrin Constitution (Article 86) is defined the same as in the Serbian Constitution.

<sup>23</sup> See e.g. [Fischer 2011<sup>58</sup>: 310]. In that sense Tahović also points out that MP immunity “excludes only criminal liability, not the criminal offense itself” [Tahović 1953: 172].



of other branches of government. Therefore, there is no doubt that the acts of cabinet members or the prime minister or the president of the republic, which would refer to the secession of a part of Serbian territory, would not be committed in the performance of their office.

Unlike in monarchies, a republican head of state is generally legally accountable for performing their office, for which they may even be prosecuted [Marković 2019<sup>24</sup>: 333]. As regards the immunity of the *president of the Republic*, there have been public objections to the phrasing that by the reference norm guarantees the president immunity “as a deputy.” A portion of domestic professional literature believes that the president, like an MP, enjoys full immunity of non-accountability for an expressed opinion and other acts carried out while performing their presidential office [Jovanović 2018: 79], which is indirectly drawn from the fact that our Constitution does not prescribe exceptions from accountability present in comparative constitutions<sup>24</sup>, which allow for accountability in the event of violation of the Constitution and high treason [Pajvančić: 2014<sup>3</sup>: 238–239]<sup>25</sup>. That conclusion, it seems, is not valid after all. Clearly a full analogy with more thoroughly organized postulates of MP immunity is not achievable, given that the president in performing their office as an individual organ does not vote.<sup>26</sup> On the other hand, if there is a parallel with the scope of MP indemnity, here too would indemnity cover only verbal presentations as president, rather than the action of placing one’s own signature on an act that would separate a part of the country’s territory, which is also not under the president’s jurisdiction. Potential accountability is even more underscored by the text of the presidential oath, taken at the moment of assuming office<sup>27</sup>.

With regard to *the president and members of the government*, immunity of non-accountability pertains solely to an opinion presented at a session of the government or the National Assembly, or during voting at a government session. The Constitution prescribes a similar restriction regarding the immunity of judges, i.e. of the public prosecutor or their deputy, a member of the High Judicial Council or the State Prosecutorial Council (expressed opinion or voting during the making of a court decision, i.e. performance of prosecutorial

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<sup>24</sup> The exclusion of the effect of immunity for the acts of the president which constitute high treason or other serious crimes dominates comparative law, especially the legislations in Africa and Asia. The explicit exception regarding high treason has been established in, among others, the constitutions of Côte d’Ivoire, Guinea, Lebanon, Nigeria, Senegal, Syria (see <https://www.loc.gov/law/help/immunity-from-prosecution/presidential-immunity-from-prosecution.pdf>, March 10, 2020).

<sup>25</sup> The president may also be relieved of duty for violating the Constitution, by the votes of at least two-thirds of MPs, after which the Constitutional Court, over a period of 45 days, decides on the existence of a violation of the Constitution. That is a form of legal rather than political accountability because due to being directly elected the president does not answer to MPs. Relieving the president of his duty does not exclude legal liability before regular courts [Marković 2019: 333].

<sup>26</sup> Rightfully [Marković: 2019: 307].

<sup>27</sup> The text of the oath goes: “I do solemnly swear that I shall dedicate my power to the preservation of the sovereignty and territorial integrity of the Republic of Serbia, including Kosovo and Metohia as its integral part, and to the implementation of human and minority rights and freedoms, to the respect and protection of the Constitution and laws, the preservation of peace and the well-being of all citizens of the Republic of Serbia and that I will conscientiously and responsibly perform all my duties.”

office, but not if the criminal offense of violation of the law has been committed by a judge, the public prosecutor or their deputy).<sup>28</sup> As regards judges of the Constitutional Court and the Ombudsman, like the president they enjoy immunity of a deputy<sup>29</sup>.

It cannot be said that representatives of the executive, to the extent that their actions are covered by immunity of non-accountability, enjoy full freedom from criminal liability for criminal offenses against the constitutional order and security of Serbia. Cases of their liability are frequent in comparative practice, too.<sup>30</sup> Besides, the constitutional law doctrine also points out that ministers are generally criminally liable for a punishable offense committed during performance of office [Marković 2019: 349; Pajvančić 2014<sup>3</sup>: 219]. Thus, our Criminal Code still identifies the criminal offense of recognizing capitulation (unconditional surrender of people or territory in a war) or occupation (seizing and controlling a part of or the entire territory of a country by enemy armed forces), committed by a citizen of Serbia “who signs or recognizes capitulation or accepts or recognizes the occupation of Serbia or part of it” (Article 306). This incrimination existed in similar form in Yugoslav legislation (Article 115 of the Criminal Code of the SFRY). Although the doctrine at the time pointed out that the power to sign or recognize capitulation as an unconstitutional act cannot carry any effects, regardless of the rules of international law which regulate powers for signing a capitulation, commentators of the Criminal Code found it important to stress that “only citizens of the SFRY who hold some leadership position could appear as potential perpetrators of this act” [Sržentić 1986<sup>3</sup>: 429]. Commentators of the current Criminal Code also point out that “the actual perpetrator of the act could only be the person who is the holder of a significant state function, so that their recognition of capitulation or occupation has some significance for the one for whose benefit it is done; therefore, the other party must accept them as a person competent to declare capitulation or occupation” [Lazarević 2011<sup>2</sup>: 890]<sup>31</sup>. If a target interpretation of

<sup>28</sup> This offense (Article 360) incriminates the enactment of an illegal act or other violation of the law in judicial procedure, with the intent to provide benefits for or cause some damage to another person.

<sup>29</sup> It should be noted that the constitution maker mentions this phrasing also with regard to the immunity of a cabinet member or prime minister, even though it previously separately regulated non-accountability for a presented opinion or voting (see Article 134 of the Constitution). In other words, the phrasing in Article 134, paragraph 2, according to which “the president and members of the Government enjoy immunity as a deputy,” undoubtedly refers only to procedural, not substantive immunity. Using similar logic, one could say that, as regards the reach of immunity of the president of the Republic, they enjoy only immunity of inviolability, not indemnity.

<sup>30</sup> Thus, for example, a Pakistani court sentenced former president Musharraf to death in absentia for treason against the country. Whereas in France earlier, the president could have faced a criminal proceeding only regarding high treason (Article 68 of the Constitution of 1958, see [Bell 2000: 66], since 2014 that has become possible with regard to any criminal offense incompatible with the performance of his duties during his term of office. In Commonwealth states (e.g. Great Britain, New Zealand, Australia, Canada) state officials are protected only from investigations pertaining to criminal offenses related to service, but even in that case their immunity may be abolished.

<sup>31</sup> Stojanović, for example, notes that “although according to the legal description of this criminal offense any citizen of Serbia may be the perpetrator, due to the nature of the act and understanding of the terms capitulation and occupation in international law, they can only be citizens of Serbia who perform a particular political or military office” [Stojanović 2020<sup>10</sup>: 952].



this provision would probably dismiss the criminal liability of a citizen of Serbia who would, hypothetically, like the citizens of Zagreb who enthusiastically welcomed the German occupiers on April 10, 1941, by an act positively value the action of capitulation or occupation, we undoubtedly could not reach that conclusion relative to persons performing state office. This incrimination was a direct response of the criminal legislator to Article 238 of the Constitution of the SFRY, which stipulated that “no one has the right to recognize or sign a capitulation, nor to accept or recognize the occupation of the SFRY or part of it... Such acts are unconstitutional and are punishable as treason against the country. Treason against the country is the most serious crime against the people and is punishable as a serious criminal offense.” Such a provision of the Constitution no longer exists today, but the incrimination undoubtedly still encompasses the aforementioned acts.<sup>32</sup> A similar narrowing of the criminal zone to include only citizens whose acts (in an unconstitutional way) can really put Serbia in a position of subjugation or dependence from some other state can be made with regard to the criminal offense of threatening independence mentioned in Article 305. Here it is important to underline that regarding the act of another “unconstitutional way” of seceding or annexing a part of territory and this crime, teleologically viewed, can as a rule be perpetrated only by individuals whose acts can really threaten the country’s territorial integrity, which naturally refers to persons in top state positions. In other words, an ordinary citizen, who advocates a non-violent secession of the part of Serbian territory in which he/she regularly lives, cannot be perceived in this way by law.

## FINAL NOTES

Putting comparative solutions and domestic provisions of the Constitution and the Criminal Code side by side clearly shows that top state governing bodies do not have at their disposal the option of putting their signature on any act that would lead to separating a part of Serbian territory. Unlike MPs, whose adoption of illegal decisions would be covered by immunity of non-accountability, that conclusion cannot be reached regarding other subjects, above all the president of the Republic, the prime minister and the cabinet ministers, because deciding on the country’s territory is not under their jurisdiction. Moreover, as the criminal offense of threatening territorial integrity is punishable in the preparation stage, too, state representatives must take care not to enter the zone of the punishable in the negotiations with representatives of so-called Kosovo. The only legal path that could lead to ceding a part of our territory would entail the procedure envisaged for changing the Constitution, which, in addition to an appropriate proposal and the adoption of an act on constitutional amendment

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<sup>32</sup> It should be recalled that the Military Technical Agreement signed in Kumanovo, which preceded the adoption of U.N. Security Council Resolution 1244, was not formally concluded with the NATO aggressor, but rather with the security forces under U.N. auspices. Thus, the agreement did not formally establish the rule of an enemy army, nor was the territory handed over to foreign enemy forces, which is why it was believed that this is not a matter of recognizing capitulation or occupation. Besides, Resolution 1244 establishes temporary U.N. management (UNMIK) and reaffirms the territorial integrity of FRY and Kosovo and Metohia within Serbia as a successor state.

by the National Assembly, would require verification of the change by citizens in a referendum. Although we cannot rule out that possibility, we hope that the current generation of Serbian citizens will prove itself worthy of its ancestors.

## REFERENCES

- [Bell 2000] → J. Bell. The Criminal Liability of Politicians in France, *The Cambridge Yearbook of European Legal Studies*, № 3/2000.
- [Fischer 2011] → T. Fischer. *Strafgesetzbuch und Nebengesetze*, München 2011<sup>58</sup>.
- [Griffin 2000] → S. M. Griffin. Presidential Immunity from Criminal Process: Amateur Hour at the Department of Justice, *Widener Law Symposium Journal*, № 5, 2000.
- [Hoppe 2011] → T. Hoppe. Public Corruption: Limiting Criminal Immunity of Legislative, Executive and Judicial Officials in Europe, *Vienna Journal on International Constitutional Law*, № 4/2011.
- [Jovanović 2018] → N. Jovanović. Politička odgovornost nosilaca izvršne vlasti u Republici Srbiji, *Administracija i javne politike*, № 3/2018.
- [Kindhäuser, Neumann and Paeffgen 2005<sup>2</sup>] → U. Kindhäuser, U. Neumann, H.-U. Paeffgen (Hrsg.) et al. *Nomos Kommentar. StGB. Band I*, Baden-Baden 2005<sup>2</sup>.
- [Klein 2019] → H. H. Klein in: T. Maunz, G. Dürig (begr.) et al. *Grundgesetz. Kommentar*, Art. 46, 38, München 2019.
- [Lazarević 2011<sup>2</sup>] → Lj. Lazarević. *Komentar Krivičnog zakonika*, Beograd 2011<sup>2</sup>.
- [Marković 2006] → R. Marković. Ustav Republike Srbije iz 2006 – kritički pogled, *Anali Pravnog fakulteta u Beogradu*, № 2/2006.
- [Marković 2019<sup>24</sup>] → R. Marković. *Ustavno pravo*, Beograd 2019<sup>24</sup>.
- [Marshall 1996] → Marshall A. Jones v. Clinton: Reconsidering Presidential Immunity, *Perspectives on Law and the Public Interest*, № 1, 1996.
- [Neumann /2005<sup>2</sup>] → Neumann in: *Nomos Kommentar. StGB. Band I*, Baden-Baden 2005<sup>2</sup>.
- [Pajvančić 2014<sup>3</sup>] → M. Pajvančić. *Ustavno pravo*, Novi Sad 2014<sup>3</sup>.
- [Parliamentary Privilege 2012] → *Parliamentary Privilege*, Cm 8318, 2012.
- [Petrov and Vuković 2015] → V. Petrov and I. Vuković. Imunitet neodgovornosti poslanika – ustavnopravni i krivičnopravni pogled, *Srpska politička misao*, № 2/2015.
- [Reinstein and Silverglate 1973] → R. J. Reinstein and H. A. Silverglate. Legislative Privilege and the Separation of Powers, *Harvard Law Review*, № 7/1973.
- [Sržentić et al. 1986<sup>3</sup>] → N. Sržentić (red.) et al. /1986<sup>3</sup>/: *Komentar KZ SFRJ*, Beograd 1986<sup>3</sup>.
- [Stojanović Z. 2020<sup>10</sup>] → Z. Stojanović. *Komentar Krivičnog zakonika*, Beograd 2020<sup>10</sup>.
- [Tahović 1956] → J. Tahović. *Komentar Krivičnog zakonika*, Beograd 1956.
- [Tahović 1953: 167] → J. Tahović. *Parlamentarni imuniteti*, № 2 ??? /1953.

## INTERNET SOURCES

<https://www.loc.gov/law/help/immunity-from-prosecution/presidential-immunity-from-prosecution.pdf>, 10. mart 2020.



## ARTIST TIJANA KOJIĆ

### NEBOJŠA JEVRIĆ TALKS TO TIJANA KOJIĆ: RED IS THE COLOR OF INNER DARKNESS

*I wonder to what extent the praise of your peers aids, and to what extent does it hinder your passage through those dark and bright hallways that comprise an artist's life. Camille Claudel, Milena Pavlović-Barili, Frida Kahlo, and their like come to mind as we talk.*

The sense of belonging and acceptance is precious. The kindness we see in our surroundings is what revitalizes both our zeal for life and our zeal for creativity. We must treat every act of kindness with deep reverence. After all, it is constructive criticism, given in good faith, that feeds the creative flames, the zeal. If, however, the criticism is ill-intentioned, then we reach the boiling point, which isn't necessarily a bad thing. On the contrary. That point often becomes the point of catharsis, the temperature at which a person's most important stances are forged.

Having a creatively inclined person see before themselves a world unaccepting of such an "inadequate" resident as themselves is rather stimulating. There should be no relation between the adequacy of the creator and the world to be populated by their creations. Such a relation should forever remain elusive. The weaker the antagonism between the two, the greater the danger of self-deceit and egotism.

Art is saved through self-abandonment, through leaving all thoughts of one's own self-worth behind. We must expose the motives behind creativity in order to avoid the banality of vacuous rephrasing, recycling and referencing. The falls and superficialities are both dangerous and rather obvious. The abyss of dilemmas about the pseudo-artistic waste is deep and vast, and an emptiness grows and swells out of it, biting down on and gnawing at the zeal for creation. The self-abandonment represents the gaze from the rims of the abyss, it is the zeal's salvation through the letting go of one's own self-deceit, be it self-loving or self-pitying. The act of creation is the meeting point for all the doubts that have crawled out of the abyss and the zeal that broke away and escaped the claws of silence, cynicism, self-flattery – the barren emptiness.

*Your work almost always has the feel of installation art, or rather, it features space and location as its integral components.*

I have always been interested in molding an exhibition space into an integral whole. I create my works on large aluminum plates combining printmaking, painting and drawing techniques. From the space between the monumental painting, gigantic collages and exhibition area, emerges a world wherein all the cycles that have come before are juxtaposed, problematizing certain topics – one's own existence, the focal point of all activities, the unbearable uncertainty of everyday life. This intention is also made obvious by the painterly approach to the underlying idea. Each installation was brought to life by layering the individual *Freistand*. Each piece of each exhibit may also act as a standalone, an autonomous work of art wherein researches are underway to deepen the experience brought about by delving into different art disciplines.

Seeking a relevant stance in the world of visual arts, I rely on standard figuration and drawing which is the cornerstone of my work.

The visual power of a fragment, as a reproduction of memories and impressions of a kind, is literally conceptualized in my environments. The installations are broken down into segments, where each element stands as an individual cell of work, but each positioned in such a way that forbids any of the elements to assume the role of a hermetic-noncommunicative monade. This segmentation, the strings, in my opinion, do not allow the whole to get lost. On the contrary, what makes that wholeness present is the consistency of the artistic interpretation that pervades these subsets. The subtle structures that come out of the interweaving of the layers which reflect the relief of a print, the precision of a drawing and the painterly treatment of the subject matter, and their subsequent partial reduction, removal and obliteration, is what makes each individual piece idiosyncratic. They are taken away from the realm of multi-originals into the context of unique pieces of art. Arranged into a whole, these elements together shape an organic unit, an organism of acts, forming a scene that fills the spectator's entire field of view. The spectacle at hand offers immersion into a world which calls on impressions and reflections contained in the entire poetics that I nurture.

*The creative expression on our scene is diverse. Where do you see yourself in relation to it?*

Our arts scene comprises a variety of expressions and artistic innervations. It also reflects our penchant for cosmopolitan ideas – no artistic practice is out of place here and none should be escorted out. All of this points to a joint need for a direct conversation through creativity in a world of ever-changing values and alienation. Lucidity, the masterful execution and the content of the best pieces birthed by this region all testify to the vitality of desire to express, through art, the entirety of the accumulated past ideas and impressions, and what's more – predict, based on experience gained through the long years and a pregnant history, that which is to come. The way we compress these experiences, share personal insight, or merely surrender ourselves to the necessity of creation, can hardly be brought under a single umbrella. One of the major advantages of [Serbia's arts] scene is that it evades stereotyping. There are no beaten paths;

therefore, the results cannot be anticipated nor are they ever clichés. In such circumstances, freedom thrives, and categorization and boundaries are made irrelevant. Work, which is completely inseparable from life, along with a strong feeling of necessity to surrender to this idea, leads to creativity being the starting and ending point of the process. According to [Erich] Fromm, creativity is one of the top human needs, a partial solution to the so-called “problem of alienation.” Unto each work of art, no matter the tradition or the medium, projected is the desire to overcome alienation, loneliness and singularity. All creative endeavors can thus be understood as an effort to fulfill the desire of an individual to unite with that which is bigger than them.

*You are obsessed with the circle. What does the circle mean to you, esthetically and in life?*

The circle is like a map but without the territory – in its true form it only exists in one’s mind. It is an immaterial symbol that only exists in the language although its meaning cannot be found in the words that describe it. The pure idea, however, once articulated and put into words, gives birth to a new idea. Ambivalence is the basic feature of brilliant symbols.

So the circle and zero can be used to denote, respectively, everything and nothing, an endless string of solutions and a tabula rasa, the nothingness and the comprehensiveness, a gaping hole and a fictive last set in a string of parent sets, the abyss and the dense matter, the singularity, totality, and abundance, but also the void. Circular movement can be understood as a symbol denoting the passing of time, constant regeneration, eternity. The circle then becomes a projection of an upward spiral. The other side of that reading is movement without progress, mindless meandering without purpose or goal, the inability to untangle the ever knotted thoughts, a dead-end cycle of repetition in an ephemeral existence, numbness in confusion. Then, the circle is a projection of a downward spiral – a trap, a pit, the despair of soundless scream, a noose.

In short, the circle, both as a shape and principle, is the ideal means to address, via visual illusions, those questions pertaining to the problem of dynamics of a person’s inner life, their identity and its impermanence, as well as the unreliability of the kaleidoscope-like blend of fragments of memories and impressions. Essentially, all of these topics are about the moments to self-reflect. And when a person self-reflects, they again make a circle, as the object of their reflection is not beyond but deeply within the confines of that circle.

*You are a professor at the University of Applied Arts in Belgrade. What does that mutual exchange of energies look like?*

I believe it is very important to keep the students away from intolerance and dogmatism. It is also important to protect them from all the myths and delusions weaved around the field of arts and creativity, as it is a field of endless misconceptions and traps that the youth, an easy prey for mythomania, so easily falls victim to. Moreover, you need to offer your students a way of gaining both



knowledge and skills, without these two becoming goals unto themselves. Everything that becomes a goal unto itself, goes first through hypertrophy, then inertia, and finally dies.

You should save your students' time – you need to shorten their path to knowledge and insights. That is the purpose of this job. And as you do all of this, you need to keep a healthy distance, so as not to make them into mere followers and epigones.

The beauty of teaching is that the process of learning is reciprocal. Young people are more inclined to be optimistic, enthusiastic and curious. They want their experiences to encompass everything – to cover and uncover the entirety of the world, their own spirit, and immerse themselves in that world with all their senses, into its each and every facet and manifestation. If you are capable of speaking with them, they will want to tell you all of their impressions, and you will be amazed at their honest enthusiasm and disappointments. You will get a glimpse into what they will be weaving into their work in times to come, whose courses we can only anticipate and feel when interacting with younger generations.

*You have once said that we are mistaking uniformity for equality.*

Human mind perceives everything as a part of a bigger whole, folding and gathering all impressions and experiences into itself. Within the mind images of the all-encompassing reality, complete or perfect, one inseparable from both the finite and imperfect world, converge. Thus, man finds himself in the center of it all, an axis to a seemingly encompassing panopticon.

Man is, therefore, life aware of itself, aware of its limited time on Earth and its own minuteness compared to the immeasurable diameter and circumference of that panopticon; aware of his own individual and estranged existence. This moment of awareness is marked by the confession that no matter how close we are, or feel that we are close to someone, that someone will always have their own separate life that we will never be able to fully know. There is a tendency, however, to abandon one's own loneliness through the merging with a collective organism that swallows individuality, applying its latent forces to undo individual thoughts and aspirations, leaving only abstract uniformity in its wake. Instead of magnification, you get an accumulation, a cancer like growth, and instead of prosperity you get poverty. And instead of equality you find yourself looking at uniformity, the death of uniqueness.

Strange laws of additions are drawn and are then unpredictably broken, leaving room for a duality of identity to emerge. One side is marked by hermetic uniqueness, and the other by its nullification; the air is bursting into the vacuum, like a torrent, carrying away the individual's hard finality, taking it into the field of common misconceptions; taking it into the logic of a simple, happy and oblivious existence of a single-celled organism in a multicellular pile which, mostly smoothly, slithers towards its own common, spontaneously elected and coordinated, manifested yearnings.

*You claim that red is the color of our inner darkness. Red are the birds, Hitchcockian-like, in your work.*

The characters in my painting mostly lack that portrait feel, instead they stand in place of symbols denoting feelings and conditions, as a personal iconographical lexicon of inner life we universally recognize. Looking at it this way, any attempt at making a visual record of any single item of this iconography is a challenge, perhaps even an insurmountable task. My view, however, is not pessimistic – an insurmountable task is a perpetuum mobile, a reason why we go back to the drawing board, inexplicably enthusiastic, and why we keep trying to decipher this universal, ever elusive language.

The human body is thus, rather frequently the metaphorical focus of my work. It is a motif I use to ponder the relation between man's singularity and his loss within the multitude. This awareness of an individual's "little death" upon being assimilated into the multitude has allowed my work to acquire a complex, multicellular organism-like structure, so big that its tissues easily envelop the observer. Its nervous system is made of these individuals assimilated into the multitude, who have been depersonalized and abstracted, as much as possible, within the layers of the drawings and prints. Here, I am mostly thinking of my exhibition titled "Skepsis." The exhibition was designed as a full visually immersive experience, with its large pieces. I wanted to create a feel of being in the space behind one's closed eyes, within that darkness but where you can also see the tissue of the eyelids. That darkness is literally, and metaphorically, red. That darkness can be a suprematist landscape as well as an utter silence and emptiness. When you close your eyes, you lose this sense of the size of the space around you. This red darkness nullifies the importance of the space outside us, it paints the space that pulsates within us, that pulsates behind the closed eyes. It is dispersive and vast, and man, next to it, is but a little, minute thing, left with a choice either to be defeated or to stand in awe.

*You have the need to create – it is obvious from your work. How much do we forget today that at the beginning this need to create, to create a brave new world, is to create out of nothing?*

The ground zero of visual creation begins with the suspension of time, i.e. in a moment of a comprehensive vision, and it continues to exist as that comprehensiveness is being dismantled and defined.

The only material suitable for the execution of this task of dismantling and defining is the "non-material" of the vision that is implicit in art. Art recognizes and inhabits empty spaces of physical objects – it is a stratum unto itself, one that disrupts the other strata of that which is tangible. It is only through art that that which was on the brink can reach the center, and that which was in the center can be launched into orbit. It is this whirlpool of subtle elements which shatters the completeness of a piece and the wall separating it from the observer. The piece then overwhelms the senses and colonizes the inner life of the person experiencing it – it becomes then an ever present background noise penetrating skin. In my opinion, it is this moment, the moment of penetration, that the creatio *ex nihilo* occurs.

## TIJANA KOJIĆ: BIOGRAPHY

Tijana Kojić was born in Belgrade in 1987. She graduated from the School of Applied Arts in Belgrade in 2011 and obtained a PhD in the area of Applied Painting in 2022.

During her career she has completed seventeen authorial projects (notably: *Circle*, ULUS Gallery, 2013; *Krug/Circle/ Le cercle*, Serbian Culture Center; Paris 2015; *Subecumenes*, SKC Gallery Belgrade 2015; *Stratum*, Graphic Collective 2016; *Skepsa/Skepsis*, ULUS Gallery, 2017; and *Syllogisms*, Art Gallery Boris, Paris 2018), and participated in over a hundred group exhibitions in Serbia and abroad (in Greece, Macedonia, Bosnia and Herzegovina, Italy, Bulgaria, Switzerland, Germany, Mexico, the U.S., France, China). The most important group exhibitions that she has participated in are the *Osten Biennial of Drawing* (Skopje, Macedonia), *The Balkan Anatomical Drawers Club* (Belgrade), *Balkan 20/20* (Belgrade), *The October Salon* (Belgrade), *Chekhov* (Paris, France), *Lamente artistica* (Rome, Italy), *Tableu vivant* (Belgrade), *Art on Paper* (Belgrade), *Fidelium* (Belgrade), *Molier* (Paris, France), *Binomes* (Belgrade), *Balkan Roads* (Varna, Bulgaria), *Artists of the Year* (Skopje, Macedonia), a group exhibition on the 10<sup>th</sup> anniversary of the Niš Art Foundation (Belgrade), the International Exhibition of Drawings (Lausanne, Switzerland), *Salon des Indomptables* (Paris, France).

Tijana Kojić became a docent at the School of Applied Arts in 2014, and was appointed as an associate professor in 2022.

Owing to her professional achievements, she joined the Association of Fine Artists of Serbia (ULUS) and the Applied Artists and Designers Association of Serbia (ULUPUDS) in 2012, becoming a member of the *Balkan Anatomical Drawers Club* in 2018. She is the recipient of a number of awards and recognitions in the area of painting, drawing and graphic works, such as first place in the *Niš Art Foundation's* competition, the School of Applied Art's *Aleksandar Tomašević Fund Reward*, first place in the *Vladimir Veličković Fund* for drawing, two *Golden Osten awards* for drawing, as well as the *International Association of Visual Artists* "Young Balkan Artist" award.

Since 2014 Tijana Kostić has participated in a number of juries and commissions. She is a member of the jury for the *Bogdan Kršić* award for best book design and the Best Young Designer award as part of the *Belgrade International Book Fair* manifestation. Furthermore, she is involved in the organization and execution of the *Portraits* drawing contest and exhibition, and has participated in the jury for selecting works for the *Student Drawing Biennial* and the commission for selecting works for the *FESTUM* festival of student creativity (which is organized by the University of Arts in Belgrade), as well as artists' councils for creating yearly programs for the best-known galleries and culture centers in Serbia.

Tijana Kojić's works are almost always of an ambiental character – the category of space is their integral component. Tijana Kojić's works up until now have consisted of a large number of visual and problem wholes, whose large dimensions dominate space, altering its structure and meaning. In search of a relevant position in the world of visual arts, she relies on standard figuration

forms and drawing, painting and graphic procedures, which are the basic elements of her work.



Tijana Kojić

## WORKS



01

Assemblage point III – 175 x 150 cm, oil on aluminium, 2016





02

Assemblage point II – 175 x 150 cm, oil on aluminium, 2016



03

Self-abandonment – 37 x 45 cm, oil on aluminum, 2016



04

SONUS – 220 x 220 cm 2017, oil on aluminum, 2017



05

Syllogisms, dimensions of individual pieces 107x73 cm, oil on aluminum, 2018





06

Skepsis I – 300x150 cm, oil on aluminum, 2016



07

Subecumene, 20x4m, installation, oil on aluminum, 2016



08  
SUBECUMENE, detail



09  
Skepsis – app. 4 x 40 m, ambiental installation exhibited at ULUS gallery,  
oil on aluminum, 2017.





10  
Skepsis, detail 1



11  
Skepsis, detail 2



12  
Skepsis, detail 3





13  
Skepsis, detail 4

## BOOK REVIEW

### A NEW CONTRIBUTION TO STUDYING ECONOMIC RELATIONS IN MEDIEVAL SERBIA

(Božidar Zarković, *Trgovi i urbanizacija Srbije krajem srednjeg i početkom novog veka / Market-places and the Urbanization of Serbia in the Middle Ages*/ Priština School of Philosophy, Kosovska Mitrovica 2017, 490 pages)

The School of Philosophy in Priština (Kosovska Mitrovica) has published a scientific monograph *Marketplaces and the Urbanization of Serbia in the Middle Ages* by Božidar Zarković<sup>1</sup>. The monograph is an amended version of Zarković's doctoral thesis entitled *Market-places (trgovi) and the Urbanization of Serbia at the End of the Middle Ages and the Beginning of the Modern Era*, which he defended at the Belgrade University's School of Philosophy in 2012<sup>2</sup>. The author also received his master's degree from the same school in 1999 under the mentorship of Sima Ćirković (The Hoča Metohia, the First Property Owned by Hilandar in the Middle Ages / *Hotačka Metohija hilendarskog vlastelinstva u srednjem veku*). He published an updated version of his master's thesis with new findings, which also incorporated the suggestions that he received with regard to the first version as a 2002 monograph titled *The Hoča Metohia, Hilandar's First Property in Serbia (Hotačka Metohija, Prvi hilendarski posed u Srbiji)*. Based on the author's biography, one can see that he was schooled under eminent historians who are experts on the Middle Ages, which has undoubtedly

impacted the scope of his research and the publication of his findings. The publication of the monograph is a continuation of the Priština School of Philosophy's tradition of releasing exceptional scientific contributions by its scholars.

As one can see, the themes of his master's and PhD dissertations deal with Serbian Medieval economic history. As early as his first scientific paper, *What Was the Location of Priest Kostadin's štinkara? A Contribution to Studying Mining in Serbia at the End of the 15<sup>th</sup> century and start of the 16<sup>th</sup> century (Gde se nalazila Štinkara popa Kostadina? Prilog proučavanju rudarstva u Srbiji krajem XV veka i početkom XVI veka)* published way back in 1994, Zarković began exploring the economic history of medieval Serbia. In later studies, he expanded the aspects of his understanding of the aforementioned subject and pointed to the significance of economic history for the urbanization of and education in medieval Serbia. "Saint Stefan's Charter as a Source for the History of Mining" (2007) (Svetostefanska povelja kao izvor za istoriju rudarstva), "Hilandar's Ibar Property" (2008) (Ibarski posed hilendarskog vlastelinstva), "King Dragutin's Contribution to the Hilandar Monastery" (2009) (Prilog Kralja Dragutina manastiru Hilandaru), "City Settlements in the Middle Ages in the Work of Bogumil Hrabak" (2011) (Gradska naselja srednjeg veka u delu Bogumila Hrabaka), "Velika Hoča and the Origins of Church Ownership in Metohia" (2013) (Velika Hoča i začeci crkvenog

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<sup>1</sup> Dr Božidar Zarković is an associate professor at the Kosovska Mitrovica (the University of Priština) School of Philosophy's Department of History.

<sup>2</sup> The thesis committee was made up of Professor Andrija Veselinović, the mentor, Professor Siniša Mišić, and higher research associate of the Serbian Academy of Arts and Sciences' Institute for History Dr Srđan Rudić.



vlastelinstva u Metohiji), “Serbian Cities of the First Half of the 19<sup>th</sup> Century – Centers of Multiculturalism” (2014) (Srpski gradovi prve polovine XV veka – centri multikulturalnosti), “The Structure of Church Land in Medieval Serbia” (2015) (Struktura crkvenih poseda u srednjovekovnoj Srbiji), “Mining Technology and Techniques in Medieval Serbia: A Problem of Knowing” (2015) (Tehnika i tehnologija u rudarstvu srednjovekovne Srbije: problem saznanja), “The Contribution of Church Properties to the Urbanization of Medieval Serbia” (2017) (Doprinos crkvenog poseda urbanizaciji srednjovekovne Srbije) are some of the works in which the author writes about economic history and its effect on social development. The aforementioned works show that *Market-places and the Urbanization of Serbia in the Middle Ages* is the result of years of research and is a kind of synthesis of professor Zarković’s research in the area.

The monograph is divided into eight chapters. The first is the introduction (pages 9–35), followed by “The Creation of City Settlements in the Middle Ages” (pages 37–69), “The Typology of Urban Settlements in the Medieval Serbian State” (pages 71–80), “The Economic–Political Conditions for the Creation and Development of Market-places in Serbia During the Middle Ages” (pages 81–156), “The Appearance and Creation of Market-places in Medieval Serbia” (pages 157–301), “Social Structures” (pages 303–364), “The Urban Environment” (pages 365–416), while the final chapter, “Conclusions” is written in Serbian (pages 417–426) and English (427–437). In addition to these chapters, this monograph includes a “List of Abbreviations” (page 439), “Sources and Literature” (pages 467–490) a “Register of Names” (pages 467–490) as well as a “List of Collegia,” which enumerates Dubrovnik (i.e. the Republic of Ragusa) court collegia for market-places in Serbia between the years 1415 and 1460.

The 26–page introduction deals with the conditions that led to the rise of market-places as a form of settlement, i.e. places where traders and customers could meet, especially on the land belonging to monasteries. Unlike a market-place, a city was above all a (military) fortification, a confined space. Over time, however, some cities took on an economic role as well. Here the author discusses, on the one hand, to what extent certain subjects that the monograph treats have been researched, and, on the other, which wholes are the subject of his research and exposition that need

to be studied to answer the subject of his work. The introduction gives the justification for a broader treatment of market-places and how they hinged upon urbanization, and answers the question of why this monograph was necessary and in its aforementioned composition.

The chapter called “The Creation of City Settlements in the Middle Ages” introduces the reader to the onset of cities in Europe in this epoch. The author stresses the importance of the centers of dioceses and feudal fortresses in the territories formerly occupied by the Western Roman Empire and how cities in the Eastern Roman Empire – Byzantium – differed, where they survived until they were conquered by the Slavs. After that, the cities were mostly located in coastal areas and they recognized Byzantium’s authority. The inland cities were created by the new inhabitants of these territories. After these cities were conquered by Byzantine emperor Basil II, they were registered and presumably reorganized by Byzantium for as long as it controlled them.

In the chapter “The Typology of Urban Settlements in the Medieval Serbian State,” Zarković points out that the process of urbanization depended on the territory where new settlements appeared and stresses that there were three such categories. The first was on the coast, the second in central areas of the Balkans and the third in the south, in the area that was conquered by Byzantium. The author notes that his focus is on the settlements that appeared in the central area of the Balkans, where the first Serbian states were created, which would remain the core of all Serbian states until the Turkish conquest: in areas where the Serbs contributed the most to urbanization. The authors also points out that the term *grad* (city) is pan-Slavic and comes from the word *ograda* (fence) and is used primarily to underline its protective role, as the charters of that era note. The term means a settlement surrounded by walls, but also a monastery protected in this way, as well as a fenced-in pen. The author wishes to clearly point out the difference between cities and market-places, the latter having a clear economic function, and which were mostly open settlements without walls.

The chapter, “The Economic and Political Conditions for the Creation and Development of Market-places in Serbia during the Middle Ages,” points to the development of agriculture and the creation of the first production surpluses in this area of economic activity which led to the

formation of the first market-places at the end of the 12<sup>th</sup> century. However, the development of agricultural production would not stop there and would continue to develop. The author also places an emphasis on the development of tools, which was closely tied to the creation of agricultural surpluses but also to the emergence of crafts as an independent economic branch. The author examines the development of roads as well as the setting up and development of trade colonies. He then turns his attention to the arrival of the Saxons and the development of mining as a new element that led to the forming of market-places. This chapter features the book's first subchapter called, "Serbian Rulers' Privileges Granted to the Inhabitants of the Republic of Ragusa (Dubrovnik) – Incentives for the Development of Trade and Urbanization." This subchapter indicates the importance that the Republic of Ragusa had to developing trade and thereby the development of market-places as well, and as a result of that its effect on urbanization in medieval Serbia.

The biggest and most comprehensive chapter is "The Appearance and Creation of Market-places in Medieval Serbia," which is 150 pages long and makes up a third of the book. When the reader reads this chapter he or she gets the impression that the previous chapters were an introduction to this one and it is here that Zarković is at his most creative and delivers his most significant contribution to the subject. The chapter consists of as many as five subchapters which offer a classification of market-places according to how they were formed, i.e. their size – *monasterial, mining, market-places at caravan stops, newly-built market-places and market-places in sites of ancient cities* as well as *small market-places*. Each of them provides a comprehensive analysis of the way that they came into being, their characteristics, specifics and other questions that apply to each individual type. This part is a successful synthesis, which offers, to the greatest degree possible, a rounded and comprehensive presentation of the individual types of market-places. The author starts from the oldest recorded market-places, monasterial market-places, and then successfully answers the question of the historical context of the creation of Saxon market-places (mining market-places). He successfully discusses and names *market-places at caravan stops, newly-built market-places and market-places in sites of ancient cities* as special categories of market-places. His only departure from the rule of classifying market-places

as wholes based on how they came into being is the last category which he calls *small market-places*. The reason for that is the fact that, regardless of their origin, these market-places retained their specific characteristics precisely because of the fact that their main attribute was that they were physically small and they existed concurrently with large market-places ("royal market-places"). Their discussion in a special chapter is the result of a lack of historical sources and the impossibility of a more detailed review of their development. In this chapter Zarković offers his personal view and understanding of market-places in central Serbian lands based on sources and literature.

The sixth chapter, "Social Structures," is also divided into several subchapters: "The Legal Position of Cities – The Autonomy of Cities and Market-places," "The Managing of Market-places," "The Social Position of the Population of Market-places," and "Religious Circumstances." In this chapter, the author features an original approach and attempts to and succeeds in exploring the social structure of market-places through the aforementioned wholes. Based on literature and available sources, he provides the reader with a new, comprehensive, review of the development of social structures in urban structures and ushers the reader into the next chapter.

The chapter, "The Urban Environment," justifies the title of the book. Even though data on urbanization appears throughout the monograph, this chapter collects, systematizes and exhibits the data through two subchapters – "Appearance" and "The Size of Market-places." The chapter is largely based on sources and presents the author's original take on the theme of the book. Since Stefan Nemanja until the demise of the Serbian Despotate, market-places were divided into small and large market-places, which is confirmed in the charters of King Vladislav, Uroš I and others. The author stresses that small market-places were created in agrarian environments which differed from surrounding villages through their practice of holding market days, and likely fairs. The author writes that in Braničevo alone there were two market-places called Subotica, which is derived from the word Saturday (*subota*) when market days were held. Despite that, in the 15<sup>th</sup> century people were able to buy expensive goods such as quality textiles, etc. in them, too. Large market-places differed from small ones in terms of the number of participants and their purchasing power, that of both the locals and

visitors. Even so, Professor Zarković cautiously avoids specifying the number of inhabitants of market-places. He points to the lack of valid data that could help him give an exact answer to this question. The only exception is Novo Brdo, which he says could have had a population of over 10,000 at the height of its economic development. Finally, the reader can conclude that the author did a job of methodologically treating the subject at hand. The study envelops a large number of sources and references and an exceptionally high number of literary works, which helped the author

explore the subject in a thorough and comprehensive way. It needs to be stressed again that the originality of the chapters, “The Appearance and Creation of Market-places in Medieval Serbia,” “Social Structures,” and “The Urban Environment,” which demonstrate not only the author’s knowledge of the literature and sources, but represent a major contribution to the area of studying market-places and the urbanization of Serbia in the Middle Ages. Hence, this monograph is a significant step forward in Serbian historiography.

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Graduated (1968), obtained master's degree (1973), from Faculty of Law in Belgrade and PhD degree (1978) from the Faculty of Philosophy in Belgrade. Studied philosophy at the Faculty of Philosophy in Belgrade. In 1970, was elected an assistant in the subject History of Political Theories with prof. Mihailo Đurić. For ten years (1973-1983) was excluded from classes due to the signing of a petition asking for the pardon of prof. Mihailo Đurić. During that time (1975-1984) was at the Faculty Institute of Legal and Social Sciences, first as an assistant researcher, and then, from 1982-1984, as a research associate. Twice stayed in FR Germany: 1976/77. at the University of Cologne, with prof. Karl-Heinz Folkmann-Schluck, and in 1984 at the Johannes Gutenberg University in Mainz, with prof. Richard Visser as a scholarship holder of the Humboldt Foundation from Bonn. From 1985, regularly participated in teaching postgraduate courses within the „Inter University Center of Postgraduate Studies” in Dubrovnik (Croatia). Former Editor of magazines „Gledišta” and „Theoria”, and a member of the editorial board of „Nolit's” library *Nomos*. Editor-in-chief of the „Politics and Society”, series published by the cooperative of the same name. Participated as a speaker at various symposia in the country and abroad. Translated into Serbian: Kant, Fichte, Schelling, Hegel, Henis, A. Schmidt, Marcuse, Kelzen, Lask, Nietzsche, A. Kaufman, K. Schmidt, K. Jaspers, E. Cassirer and others. Since 2012 full member of SASA. Member of Serbian Association of Literary Translators; Humboldt Club, Serbia. Received *Nikola Milošević Award* for best theoretical work in aesthetics, philosophy and literature published in 2012; *Award of the Miodrag Jovićić Fund* for 2003.

Research area: political and legal philosophy of German idealism, tradition of natural law and the problem of freedom.

Major works: *Poreklo i svrha države u Kantovoj političkoj filozofiji*, Filozofske studije, 1973, 71-138; *Johan Gotlib Fihte i Francuska revolucija – Ispunjenje novovekovnog prirodnog prava u Fihteovoj ranoj političkoj filozofiji*, Belgrade 1980; *Pravo pod okriljem utopije – Ernst Bloh i tradicija prirodnog prava*, Belgrade 1988; *Pravo i sloboda – O perspektivi slobode u stranoj i našoj pravnoj filozofiji*, Novi Sad 1994; *Neodoljiva privlačnost istorije*, Belgrade 1999; *Večni mir i carstvo slobode – Ogledi o Kantovoj i Fihteovoj praktičkoj filozofiji*, Belgrade 2001; *Pet likova Slobodana Jovanovića*, Belgrade 2003; *Samopoštovanje i puzavost I, II* in 2007, 2009 and 2015, *Moć i nemoć filozofije* 2011, *Prust i violina u Zabeli: o Mihailu Đuriću* 2016, *Čarobni breg filozofije : Kasirer i Hajdeger* 2017, *Mihailo Đurić i časopis Praxis* 2019; *Sabrani spisi I–XIV /Collected Works I–XIV* 2020.

For complete Basta's biobibliography see: Јовица Тркуља и Сања Степановић Тодоровић. Мисаоне путање Данила Н. Басте: Биобиблиографија, Досије, Београд 2022. (Jovica Trkulja and Sanja Stepanović Todorović, *Quests of Danilo N. Basta. A Biobibliography, Dosije*, Belgrade 2022).

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Chairman of the Committee on Economic Sciences of the SASA; Chairman of the SASA Population Study Committee; Editor in charge of the economy of the Serbian Encyclopedia; Editor-in-Chief of *Synaxa*, the Matica Srpska (MS) International Journal for Social Sciences, Arts and Culture (2017-); Editor-in-Chief of the *MS Journal for Social Sciences* (2005–2016); Deputy editor-in-chief of the *Ekslibris Chronicles* magazine (1995-); EU expert for evaluation of the project in the field of social sciences (2005-).

Has been Member, founder and President of the Scientific Society “Kosta Cukić” (1999-); Member of the American Association for the Advancement of Slavic Studies (2000-); Regular member (he was in the Presidency) of the Scientific Society of the Economists; Regular member of the Serbian Academy of Economic Sciences; One of the founders of the Society for Economic History; Member of the International Association for the Science of Regional Development (IRSA); Member of WEA (World Economics Association); Founder and President of the Ekslibris Society of Belgrade; Member of FISAE (International Federation of Ex-Libris Societies) (1994-).

Author of 40 books (20 monographs plus 20 thematic collections of papers), numerous articles... (see: Sanja Cvrkota, Библиографија Часлава Оцића 1970–2020 /Bibliography of Časlav Očić, 1970–2020/, Belgrade 2021).

IGOR VUKOVIĆ (Belgrade, Serbia, SFRY, 1973) – jurist, university professor.

Graduated from the Faculty of Law of the University of Belgrade. Obtained his PhD at the same faculty in 2008. Published several books and over 70 scientific papers in different journals.

Research areas: criminal and misdemeanor law.

Major works: *Uzročnost i objektivno uračunavanje u krivičnom pravu /Causality and Objective Ascription in Criminal Law/*, Belgrade 2018; *Krivična dela nepravog nečinjenja /Criminal Offences of Derivative Omissions/*, Belgrade 2013; *Krivično pravo: Opšti deo /Criminal Law: General Part/*, Belgrade 2021.





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