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SERBIAN POLITICAL THOUGHT

BETWEEN LAW, POLICY, AND ETHICS

Bogdana Stjepanović, Jelena Tanasijević, Saša Stefanović,
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INTERNATIONAL RELATIONS

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SERBIAN POLITICAL THOUGHT

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THIS ISSUE'S THEME

BETWEEN LAW, POLICY, AND ETHICS

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Institute for Political Studies, Belgrade

RATIONALIZATION OF REPRODUCTION – PATH TOWARDS DEHUMANIZATION OF HUMANITY: POLITICAL, LEGAL, AND ETHICAL ASPECTS OF USING ARTIFICIAL INTELLIGENCE IN EMBRYO SELECTION

Abstract

Artificial Intelligence is becoming an essential part of human life, and the creation of life is no exception. While using AI in biomedically assisted reproduction (BMAR) gives new hope to couples struggling with infertility, it also raises a difficult question: where are the ethical limits of letting a machine interfere with human conception? This paper argues that the growing “rationalization” of the reproductive process through AI selection is not just a technical upgrade, but a deeply political and complex issue. In this paper, we analyze the legal and ethical risks of this trend, specifically focusing on how the process of conception is becoming “dehumanized”. A major concern is that we are relying too much on algorithms that nobody truly understands. This “black box” nature of AI can easily undermine the autonomy of parents and the validity of their informed consent in one of the most private moments of their lives. The philosophical danger of treating human embryos as mere objects for selection, which directly threatens their inherent dignity, is also examined. With the goal of pointing out gaps in our current laws, the paper looks closely at the regulations in the Republic of Serbia. We find that existing legal solutions are not fully prepared for these

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new challenges. Finally, we propose new regulatory steps that would put the dignity of the embryo first. Through a prism of ethics and a warning against the loss of human empathy, this paper concludes that an uncritical use of AI in reproduction carries a serious risk of turning the act of creating a human being into a cold, mechanical procedure.

Keywords: artificial intelligence (AI), embryo selection, dehumanization, dignity of embryos, legal and ethical challenges, Republic of Serbia

INTRODUCTION

Artificial intelligence (AI) is becoming an unavoidable part of our everyday lives. It seems that no sphere of society is left untouched, including the most intimate one, the creation of life itself. This evolutionary step in human history brings AI into the field of biomedically assisted reproduction (BMAR), especially during the critical phase of embryo selection. This step has its pros and cons. On one hand, it promises higher success rates and gives hope to many couples struggling with infertility. On the other hand, it opens a series of complex legal, ethical, and deeply human questions that we cannot ignore.

There is an inherent conflict between AI's technical capacity to enhance clinical outcomes and the ethical complexities it introduces to human conception. With ART success rates stagnating at approximately 30% (a figure that declines sharply with maternal age), AI is often promoted as a definitive remedy. By promising objectivity in embryo selection, machine learning aims to eliminate the human variability and subjective bias that have always troubled the field (Salih *et al.* 2023, 2). Yet, algorithmic "optimization" raises troubling normative issues. Integrating AI into this process risks fostering an instrumental view of the embryo, reducing it to a data point for selection. Besides challenging the embryo's dignity, this shift fundamentally alters the nature of the reproductive process (Aufieri and Mastrocola 2024, 4). Moreover, the reliance on opaque "black box" models, algorithms that remain indecipherable even to their creators, undermines the very foundation of informed consent (Director 2025, 10). Ultimately, when an algorithm dictates the choice, it erodes parental autonomy in what is perhaps

the most intimate decision a human being can make. This challenge is particularly relevant within the domestic legal framework, where ensuring a patient's autonomous decision-making remains a complex ethical task. As Vukadinović Marković, Radomirović, and Stjepanović (2025) point out in their analysis of informed consent in Serbia, the ethical and sociological dimensions of patient agreement are often strained in emotionally charged and ethically complex medical settings. When the logic behind embryo selection remains hidden within a digital “black box”, the consent process risks becoming a mere bureaucratic formality rather than a genuine exercise of parental autonomy. This surrender to technological authority not only compromises the dignity of the reproductive process but also alienates individuals from what is perhaps the most personal decision a human being can make.

The central argument of this paper is that the uncritical rationalization of reproduction through AI carries a profound risk of the dehumanization of the conception. The rise of AI in assisted reproduction is more than just a medical change. It reflects a broader social trend of trying to “fix” or optimize human life, turning deeply personal experiences into simple technical problems. While this pursuit promises efficiency, it threatens to collapse complex, value-laden moral dilemmas into cold, technical choices. In this frantic race for superior clinical outcomes, the embryo is subtly recast, no longer a unique entity with inherent dignity, but a “product” to be audited against algorithmic benchmarks. This form of “rationalization” extends far beyond clinical utility, representing a paradigm shift where human conception is no longer seen as a biological miracle, but as an engineering challenge to be optimized. Driven by a desire for the predictable, we are witnessing the transformation of a deeply intimate, natural act into a managed, industrial procedure. Consequently, this shift risks eroding our collective empathy for natural variation and human imperfection. This approach reduces the idea of “perfection” to whatever can be calculated by an algorithm. When algorithms routinely filter for the “optimal” embryo, they broadcast a silent, yet powerful, message that those falling short of these metrics are less worthy. Such a trajectory risks fostering a societal demand for “flawless” offspring, progressively narrowing our tolerance for human diversity. Selecting embryos based on algorithms is an ethical danger. The relentless pursuit of perfect control over birth could lead to a world that leaves no space for difference or the unpredictability of life.

In the Republic of Serbia, the legal framework for BMAR is still evolving, and the use of AI in medicine is only at the beginning. It is crucial to identify legal gaps and ethical challenges before these technologies become standard practice.¹ We must pay special attention to the transparency of algorithms and ensure that parents can give truly informed consent in this complex technological environment.

The aim of this paper is to critically assess whether the drive for “effective” reproduction leads to a loss of humanity. We will examine existing laws, the principles that protect human dignity from the very beginning, and the philosophical relationship between humans and technology. At the end, we will propose a regulatory and ethical framework that ensures the responsible and humane use of AI.

THE TECHNICAL AND CLINICAL JUSTIFICATION FOR AI INTEGRATION IN ASSISTED REPRODUCTION

AI is fundamentally reshaping the specialized practice of embryo selection by introducing sophisticated machine learning architectures capable of synthesizing vast, multidimensional datasets. This technological integration goes beyond simple data processing, leveraging high-resolution imaging and time-lapse microscopy to capture the nuanced dynamics of embryonic development, cross-referencing these with complex patient clinical profiles. These systems are designed to identify the embryo with the highest statistical probability of a successful live birth. The driving force behind this rapid adoption is a perceived mandate for “objectivity”. Before, embryo selection has been an interpretative art, tethered to the embryologist’s expert gaze, a process inherently subject to human variability and cognitive bias. AI is now being positioned as a definitive corrective, promising to replace subjective clinical judgment with a standardized, data-driven methodology.

¹ As Vukadinović Marković and Kambovski (2026) emphasize, the application of AI in healthcare demands a rigorous re-evaluation of our existing legal frameworks to address the diagnostic potential and ethical challenges these systems introduce. Their analysis suggests that without a clear multidisciplinary approach, the benefits of AI could be overshadowed by the risks it poses to fundamental human rights.

The primary impasse in Assisted Reproductive Technology (ART) remains a success rate that has plateaued at approximately 30%. The main obstacle in clinical practice is that many embryos simply fail to implant, meaning a pregnancy is not established even after a successful transfer. Rising maternal age makes this issue even more urgent, as the probability of success drops significantly as women get older. In response to these limitations, the field is undergoing a transition toward AI-enhanced selection. Traditionally, embryologists have had to rely on their own visual judgment to pick the best embryo. But this method is limited by human fatigue and the inconsistencies that arise when different specialists look at the same sample.

Studies show that AI models are performing better than clinical teams in predicting both embryo quality and final outcomes. AI achieved a median accuracy of 75.5% in predicting embryo morphology, while embryologists reached 65.4%. The difference is even bigger in predicting actual pregnancy. When AI combines images with patient clinical data, its accuracy reaches 81.5%, compared to 51% for human experts. In some cases, the difference in accuracy between the machine and the human was 45%. This data creates a strong pressure to move away from human judgment toward algorithmic “certainty” (Salih *et al.* 2023, 5).

Specialists around the world are quickly adopting AI tools. In 2022, only about 24.8% of professionals used AI, but by 2025, that number is over 53%. While there was a huge initial wave of optimism about AI’s potential for embryo selection (91.6% in 2022), the excitement has leveled off recently (38.6% in 2025) as the focus shifts to other benefits, like improving medical education and daily workflows (Shoham *et al.* 2025). Practical applications of AI, such as the ERICA algorithm and PGTai 2.0 platform, have shown significant potential in improving embryo selection, with some studies reporting pregnancy rates that notably exceed those of traditional morphological grading (Salih *et al.* 2023). Looking at these numbers, it is clear why there is such an urge to integrate AI into assisted reproduction. From a purely clinical and technical perspective, the goal is to optimize results for couples who are struggling. However, this clinical success is exactly what leads us to the deeper, more troubling questions about what we lose when we let an algorithm decide the future of a human life.

Despite the impressive numbers AI shows in laboratory settings, we must solve major scientific and ethical problems before we can responsibly use it in everyday clinical work. A major problem is the lack

of rigorous randomized controlled trials (RCTs). These trials are the only way to truly prove if AI should replace human involvement in selecting embryos. Currently, most of the knowledge comes from “retrospective studies” (looking at old data rather than from real, clinical evaluations) (Afnan *et al.* 2021). While AI might look very accurate on a computer screen, we still don’t know how it works in the “real world” with a wide variety of patients. Adopting this technology too quickly, based only on laboratory success, is a dangerous path that could lead to poor clinical results and misinformed decisions. For AI to actually help people, there must be a fundamental shift in how developers and regulators define “success”. Instead of just trying to predict if an embryo will implant, the focus must be on predicting a “live birth”, a fact that only matters to future parents (Salih *et al.* 2023, 7). Unfortunately, many current AI models focus on indirect, less important metrics instead of actual live birth rates (Shoham 2025).

The “black box” nature of these algorithms also must be considered. If an AI is trained on data from only one clinic or one specific population, it might not work at all for a different group of people. Because these algorithms are so complex and opaque, it is almost impossible to see how they make their “decisions”. Lack of transparency makes it very hard to find and fix biases. There is a real risk that AI could select or discard embryos based on irrelevant or even discriminatory factors (Afnan *et al.* 2021).

In 2025, the biggest obstacles to using AI were high costs (38.01%) and a lack of proper expertise (33.92%). However, the most worrying concern is “over-reliance” on technology, which was cited by 59.06% of professionals (Shoham *et al.* 2025). The IVF industry today is very aggressive in marketing unproven “add-ons”. When aggressive marketing meets the deep hope of couples seeking a child, it creates a fragile environment where the line between medical help and exploitation becomes blurred. This has been seen with PGT-A testing. Even though it was not AI, it was marketed as “nearly 100% accurate”, which led some patients to discard perfectly healthy embryos because of misleading results (Ducharme 2025). This is a clear warning of what happens when we adopt new, unproven technologies without strict legal and ethical oversight (Afnan *et al.* 2021).

DEHUMANIZATION AND THE DIGNITY OF THE EMBRYO

The “rationalization of reproduction” is a term that describes a growing trend of using scientific and technological principles to optimize and control the human reproductive process.² This approach carries an immense risk of the “instrumentalization of embryos”. If we leave this process uncontrolled, we risk the dehumanization of human conception. It could become a cold, technical procedure, stripped of its deep personal, relational, and existential meaning³ (Aufieri and Mastrocola 2024, 10).

Many authors are deeply worried that using AI to rank embryos turns potential human beings into mere commodities. In this view, a new life is seen less as a “miracle” and more as a product that must pass a “quality check”. This perspective fits perfectly into the “technocratic paradigm”, where efficiency and optimization are more important than the sacredness and inestimable value of human life. The real danger here is the combination of advanced AI and the pursuit of profit. In such a delicate area, we risk reducing the deeply personal act of having a

² The process of the rationalization of reproduction is rooted in the Weberian tradition of social rationalization, seeking to eliminate biological uncertainty and replace it with calculated outcomes. However, as Habermas (2003) warns, this transformation of life into a manageable project risks stripping the reproductive act of its existential dignity, reducing it to a mere engineering task.

“Rationalization” is part of a broader trajectory toward a “digitally enhanced future” that is increasingly reshaping the legal and structural foundations of the family itself. Even the traditional framework of marriage contracts in Serbia is being transformed by digital integration, signaling a deeper shift toward embedding technology into the most intimate spheres of human life. When we view AI embryo selection alongside these digital legal reforms, a clear pattern emerges: the transition from a natural, spontaneous act of family-making to a managed, engineered, and digitally-mediated procedure (Stjepanović 2025, 191).

³ This dehumanization extends to the identity of the child born through these technologies. As Stjepanović (2018) points in her comparative legal analysis, the right of a child conceived through assisted reproduction to know their biological origins is a fundamental legal and ethical issue. When AI-driven selection adds another layer of algorithmic complexity to this process, the transparency of a child’s heritage becomes even more precarious. If the selection process remains an opaque, data-driven “black box”, we risk not only commodifying the embryo but also complicating the child’s future right to access the truth about their biological identity

child to nothing more than a cold, commercial transaction (Aufieri and Mastrocola 2024, 4).

For many people, an embryo is a human life with full moral value from the moment of conception. From this point of view, any form of selection is a direct violation of a child's dignity and their right to life. This ethical dilemma is best described by Habermas, who warns that trying to "design" children changes human nature itself. He believes that a child who has been "programmed" in advance loses their independence. Such a person may no longer feel like the true author of their own life, nor can they feel equal to the parents who acted as their "designers." Čović (2023) builds on these ideas, warning that modern examples like "GMO babies" show that we are starting to treat human life as just another technical task. When algorithms begin to rank embryos, we are no longer just choosing health. We are entering a dangerous territory where life is treated like a product that can be customized. Instead of accepting a child for who they are, we reduce them to a list of "optimized" traits meant to satisfy parental or societal demands. Ultimately, this creates a huge emotional burden for both parents and scientists. They are forced to act as "judges", deciding which life is good enough to start and which will be discarded or frozen forever (Aufieri and Mastrocola 2024, 10).

A crucial point of the philosophical debate regarding the embryo's moral status is the "potentiality argument" (Stier and Schoene-Seifert 2013, 2). From this perspective, since an embryo carries everything it needs to develop into a human being, we must recognize its fundamental moral status. Supporters of this view argue that an embryo is not just a random cluster of cells. It is life with the potential to become a fully grown adult, just as an infant has the potential to grow up (Pereira Daoud *et al.* 2024). Another important argument is that human life has inherent dignity and worth from the very beginning. This means that every human life, from conception, shares this dignity and should never be treated as a "means to an end." An embryo should never be treated as a means to an end, even for a "good cause" like finding a cure for a disease (Pereira Daoud *et al.* 2024). On the other hand, some philosophers suggest that personhood is not "all-or-nothing" but a matter of degree. They argue that embryos might have some moral status, but not the same as a fully formed human being. Others tie moral status to "sentience" – the ability to feel pain or have consciousness. Sandel offers a middle ground. He argues that even if an embryo isn't a "full person," it is undeniably "potential human life" and deserves a certain respect. Sandel believes

we should treat life as a gift – an approach that limits how much we can manipulate or use it for our own goals (Pereira Daoud *et al.* 2024).

One of the most serious concerns today is the risk of “algorithmic eugenics”. This happens when AI is used to pick embryos based on traits that society considers “superior” – health, intelligence, or physical appearance. This practice is a major warning sign that human life is being turned into a commodity. It suggests that embryos are being judged not by their inherent value, but by a cold, market-driven logic. If we start “grading” embryos this way, we are sending a deeply negative message about the value of life itself, especially for anyone born with conditions that the algorithm deems “sub-optimal” (Aufieri and Mastrocola 2024, 11). This is clearly reflected in the ongoing criticism of screening for conditions like Down syndrome, which is often seen as expressing a negative view about the value of people living with that condition. This is known as the “expressivist objection.” It suggests that methods aimed at preventing the birth of individuals with anomalies might, perhaps unintentionally, devalue the lives of people with disabilities who are already part of our society (Aufieri and Mastrocola 2024, 7). The pursuit of a calculated “perfection” through AI could seriously reduce our society’s tolerance for diversity and human difference. The ability of AI to make sex selection easier raises grave ethical concerns. This is not just a medical issue; it has serious societal ramifications, such as biased population ratios. Statistics from a 2022 survey highlight public divide: nearly 72% of people agree with sex selection for medical necessity, but less than 43% support it for personal preference (Shoham *et al.* 2025). These numbers show how most people are still uncomfortable with using technology for non-medical choices. Using AI uncritically in reproduction threatens to take the “human” out of creating life. We aren’t just updating a clinic’s tools; we are changing the way we value human life and what it means to be human.

THE FRAGILITY OF IVF OVERSIGHT

Even before AI became widespread in the laboratory, real-world incidents showed us how dangerous and complex the legal and ethical landscape of embryo selection can be. The human cost of technical errors is becoming visible in the United States. Class-action lawsuits have been filed against providers of Preimplantation Genetic Testing for Aneuploidy (PGT-A). The plaintiffs allege that patients were misled

about how accurate and useful these tests really are, which led to the decision to discard embryos that were actually viable. One specific case stands out. In this case, a patient decided to proceed with an embryo that the PGT-A test had flagged as having a serious chromosomal abnormality. The result was a perfectly healthy baby (Ducharme 2025). This case is a powerful warning about the dangers of over-reliance on selection tools. These lawsuits, even if they aren't strictly about AI, show that in an environment where AI is deployed, any technical error or hidden bias could lead to massive legal and ethical repercussions.

The Supreme Court of Alabama's ruling created a very important legal shift. The Court ruled that the definition of a "child" under the state's Wrongful Death of a Minor Act includes embryos, whether they are inside or outside a biological uterus. This decision, which started when frozen embryos were accidentally destroyed, raises fundamental questions about the moral and legal status of every embryo in a clinic. It forces us to rethink how IVF clinics operate and how they must handle "spare" embryos (Supreme Court of Alabama 2024). When we bring a "black box" problem into a system that is already struggling with oversight, the danger grows. Because we cannot always see why an algorithm makes a specific choice, it becomes nearly impossible to hold anyone accountable when something goes wrong.

A report from April 2025 described a milestone that feels like science fiction: the birth of the first baby conceived through an "almost entirely automated" IVF process. In this case, a robotic system controlled by AI was used to select, immobilize, and inject sperm into eggs. As we cross this technical line, we are forced to ask ourselves: Should technical efficiency ever be allowed to replace human judgment at the very moment a new life begins (Bioethics Center CADEBI 2025)? This event is a clear signal of growing technological power, but it also highlights the urgent need for an ethical framework to guide it.

The philosophical debate about the embryo's status is not just "academic." It directly shapes how countries write their laws. Jurisdictions that give the embryo a high moral status (such as the strict regulations seen in Italy) will inevitably impose much tougher rules on AI selection. They may even ban it entirely. This direct link between moral philosophy and healthcare policy shows that our "ethical crossroads" has very real, immediate consequences for society and the law.

THE ALGORITHMIC VEIL

The integration of AI into assisted reproduction forces us to rethink two core principles of medical ethics: informed consent and transparency. Informed consent is a complex process of communication where the patient is an active participant whose autonomy is deeply rooted in the protection of human dignity (Vukadinović Marković, Radomirović, and Stjepanović 2025). In the context of AI, this means that parents must fully understand the machines' role in their care, including its real capabilities, its limitations, and what its "choices" actually mean for the future of their embryo. Without transparency, informed consent loses its meaning. Algorithms need to be "explainable", so that doctors and patients aren't just following a computer's lead, but actually understanding the reasoning behind each choice. Without it, parental autonomy in one of life's most intimate moments is effectively lost.

A major challenge to these ethical requirements is the "black box" problem. In almost every case, the AI used for embryo selection operates through computational processes that are opaque, "hidden" from human understanding (Habli, Lawton, and Porter 2020). This lack of real-time explainability creates a serious "responsibility gap" (Afnan *et al.* 2021). If an AI model is opaque, true understanding becomes impossible for both the doctor and the parents. This directly violates the spirit of informed consent, making any permission given by the parents ethically problematic, or even legally invalid. This lack of transparency destroys the essential dialogue between doctor and patient. Neither the clinician nor the parents can truly know why the AI chose one embryo over another. Is it a subtle structural detail, or is there a hidden reason for potential failure? These details remain locked inside the algorithm, making "shared decision-making" a mere illusion.

This opacity puts doctors in a very difficult position. We are seeing a shift where clinicians may begin handing over their decision-making authority to computer programs they do not actually understand. This leads to what is called "machine paternalism" (Aufieri and Mastrocola 2024, 6). In this scenario, doctors become too comfortable and simply accept the AI's "recommendation" without using their own critical judgment. This creates a serious legal trap. If a doctor decides to challenge the AI and something goes wrong, they might face legal liability for simply "going against the machine" without a reason that the law recognizes as "good enough" (Afnan *et al.* 2021).

Beyond the technical confusion, opaque AI models pose a more serious, more political threat. These systems might secretly be selecting for specific characteristics that the algorithm has “learned” are linked to success, even if those are traits the parents do not want, such as an unintended bias toward a certain sex. If a bias is buried deep within a hidden algorithm, it is impossible to detect or correct. This leads to a quiet, systematic favoring of certain outcomes over others. Parents cannot make a truly “informed” choice if they don’t know the rules of the game. At the very least, parents must have the explicit right to decline AI involvement if they have moral or ethical objections to a machine guiding such a sensitive decision.

The issue of data privacy is also a massive concern. AI systems handle the most sensitive information imaginable: electronic health records, diagnostic scans, and deep genetic data (Aufieri and Mastrocola 2024, 5). This requires “iron-clad” protection measures like encryption and constant security audits. Beyond harming the patient, a data breach undermines the collective trust that is the foundation of the healthcare system (Director 2025, 20). The lack of transparency in these models leads to a dangerous erosion of accountability (Afnan *et al.* 2021). If a doctor cannot be held responsible because they relied on a “black box”, and the developer has no institutionalized accountability, we are left with a “responsibility gap” where no one is liable for the harm caused.

To face these challenges, we must implement strict ethical and technical mandates. The development of Explainable AI (XAI) is an absolute necessity. The purpose of XAI is to make complex algorithms understandable to humans, which is the only way to build genuine trust (EDPS 2023, 9). Techniques like SHAP and LIME must be used to deconstruct how a model arrives at a prediction. Without XAI, “machine paternalism” will continue to erode human agency in the most critical life decisions (Afnan *et al.* 2021). Furthermore, “Human-in-the-Loop” oversight must be established. AI should augment and assist human expertise, not replace it. Clinical workflows must ensure that the doctor retains ultimate decision-making authority, allowing them to bypass AI recommendations whenever necessary. Informed consent must be updated to use clear, non-technical language that explains exactly what the AI does, what its limits are, and how the data is protected (EDPS 2023, 9).

Transparency is not optional. AI systems must report their confidence scores and explain which “features” they used to make a

calculation. Every step of the model's life (from where the data came from to how it was tested) must be documented. Finally, algorithmic bias must be actively fought by using diverse datasets and conducting regular "demographic audits" (Hickman *et al.* 2025).

THE EVOLVING LEGAL AND REGULATORY LANDSCAPE

The global regulation of ART is deeply fragmented. There are massive differences across the world in which procedures are allowed, who can access them, and how much they cost. Adding AI to an already sensitive field creates a whole new level of complexity. The central problem is that our legal frameworks are consistently lagging behind the disruptive pace of technology (Shoham *et al.* 2025). This "regulatory gap" means that we are often applying old rules to a completely new biological and digital reality.

The European Union has taken a significant step with the EU AI Act. It classifies AI systems used in medical devices, including those for in vitro fertilization (IVF), as "high-risk". This is a political and legal decision. It means companies cannot simply put these systems on the market. They must undergo strict assessments. Under this Act, high-risk AI must meet tough requirements: they must have robust risk-management systems, use only high-quality data, provide clear information to users, and ensure strong human oversight. The Act entered into force on August 1, 2024, but there is a 36-month transition period before these rules are fully applied (European Parliament 2023). This delay reminds us once again of how slowly the law moves compared to the speed of the lab.

On a global level, the UNESCO Recommendation on the Ethics of Artificial Intelligence (2021) serves as an international ethical compass for 194 member states. This document treats human rights and dignity as its absolute cornerstone. It insists on principles that are often ignored by the industry: transparency, fairness, and the necessity of human control. Its ethical framework is built on proportionality, safety, and non-discrimination, aiming to protect the most vulnerable stages of human life from technological exploitation (UNESCO 2021).

In the United Kingdom, the Human Fertilisation and Embryology Authority (HFEA) acts as the central regulator to ensure that fertility treatments are both safe and ethical. The HFEA is known for its cautious

approach to “treatment add-ons”. Interestingly, “time-lapse imaging”, a technology often marketed together with AI, has received a “black rating”. This means there is no clear evidence that it actually benefits most patients. Even specific AI algorithms, like CareMaps-AI, have not been rated yet because there simply isn’t enough published evidence. The HFEA is currently struggling to adapt its framework to keep up with the rapid changes in both AI and genetics (Department of Health and Social Care [DHSC] 2023).

The situation in the United States is much more chaotic. There is no comprehensive federal law for AI, which has created a fragmented landscape of different state rules (Shoham *et al.* 2025). The FDA has not yet authorized any add-on preimplantation genetic tests (Ducharme 2025). Furthermore, after the Dobbs Supreme Court ruling, new proposals to restrict abortion have created a “political shadow” over the future of IVF. There is a real fear that laws aimed at abortion could lead to a ban on common IVF practices, such as the disposal of “spare” embryos (American Society for Reproductive Medicine [ASRM] 2024). This shows how quickly reproductive technology can become a battlefield for broader political conflicts.

China has focused on national security, mandating clear labeling for all AI-generated content starting in 2025. Singapore, on the other hand, updated its Model AI Governance Framework in May 2024. They are trying to find a balance between encouraging innovation and maintaining public accountability through voluntary ethical guidelines (Shoham *et al.* 2025). These different approaches show that there is no global consensus on how to handle the machine’s role in creating human life.

Legal regulation and AI gap in Serbia

The legal landscape of ART in Serbia is defined by the Law on Biomedically Assisted Fertilization from March 2017 (Zakon o biomedicinski potpomognutoj oplodnji 2017). Although it follows EU directives, this law is a product of its time and does not account for the ethical challenges that have since emerged with the use of artificial intelligence in reproduction. Under Article 13, the law focuses on the technical aspects of the field, specifically the testing, retrieval, processing, freezing, and distribution of reproductive cells and embryos. It covers standard procedures such as IVF and ICSI, and permits the

freezing of a couple's own genetic material. At the same time, Article 49 sets strict limits: it prohibits the combined use of donated eggs and sperm, bans surrogacy, and forbids sex selection unless it is to prevent serious hereditary diseases. The main problem is that the Serbian legal framework has a significant gap: it contains no rules regarding the use of AI for embryo selection. The law is written strictly for biological and medical procedures as they were understood years ago. It was never envisioned that a machine, and not a human professional, would be the one assessing and choosing which embryo has the right to life.

At the same time, Serbia is undergoing a significant legislative shift, driven by an ambition to modernize its legal landscape in response to rapid technological advancements. Although the Strategy for the Development of Artificial Intelligence (2025–2030) (Office for IT and eGovernment 2025) laid the groundwork for the drafting of the first comprehensive law, Serbia is still waiting for this legal act in early 2026. The drafting process is facing delays, which prolongs the state of legal uncertainty and leaves sensitive areas, such as reproductive medicine, in a complete regulatory vacuum. (Office for IT and eGovernment 2025). Such initiatives position Serbia as a regional leader and a key member of the Global Partnership on AI (GPAI). Additionally, in 2023, the government introduced the non-binding “Ethical Guidelines for the Development and Use of Responsible AI”, which aim to safeguard individual freedom and human decision-making (Government of the Republic of Serbia 2023). However, a closer look reveals that neither the new Strategy nor these Ethical Guidelines provides any specific rules for the use of AI in embryo selection or assisted reproduction.

All this results in a significant “regulatory vacuum.” We are caught between a Law on BMAF that remains focused on a strictly biological era and a new, general AI framework that lacks sector-specific safeguards for healthcare. This absence of rules causes a dangerous gray area that allows the unchecked expansion of AI in a domain where the stakes are nothing less than the future of human life. Despite Serbia's ambition to become a regional leader in AI, the lack of a specific legal framework for assisted reproduction creates deep uncertainty. Without clear rules on accountability, ethical oversight, or patient rights, we are opening the door to legal and moral crises. This regulatory gap risks permanently altering the nature of human reproduction in our society before a single protective rule is ever applied.

The accountability deficit in AI-driven ART

The legislative gap in Serbia is not an isolated issue, but rather a reflection of a much deeper, systemic crisis in modern law. This regulatory void represents a dangerous space in which accountability vanishes. By its very nature, the opacity of AI systems threatens to erode the foundations of human trust and responsibility. The integration of these opaque AI systems into the selection process triggers a profound legal crisis, effectively dissolving the traditional lines of accountability that protect both patients and doctors. The core of the problem lies in the fact that when an AI's decision-making is opaque and hidden from human view, holding a doctor responsible for malpractice becomes structurally impossible. Because these self-learning systems are constantly evolving, we can no longer trace the "chain of events" that led to a specific choice. This creates a dangerous "responsibility gap". In this vacuum, both legal and ethical accountability for any harm caused by an AI's decision is left unclear, leaving patients without a clear path to justice (Afnan *et al.* 2021).

Beyond the question of medical malpractice, the search for accountability must extend to other legal frameworks, such as the EU's Product Liability Directive. This law allows victims to claim compensation from manufacturers if a "defective product" causes them harm. In the future, this framework could potentially be expanded to cover AI systems embedded in medical devices, including those used in IVF (European Commission 2025). If a system is proven to be defective and causes demonstrable harm to a patient, the focus might shift from the doctor's negligence to the developer's liability.

However, the absence of a unified global approach to regulating these technologies creates a major systemic risk that cannot be ignored. There is a stark difference between the EU, which classifies AI in IVF as "high-risk," and the US, which takes a much more relaxed approach. This fragmentation creates a powerful incentive for "regulatory arbitrage," where clinics and tech developers are encouraged to "shop around" for countries with minimal accountability standards. By doing so, they can market or use AI tools that might be banned or strictly limited in other parts of the world. Not only does this environment encourage "fertility tourism" but it also creates a new, more dangerous variant of "AI-fertility tourism". Patients are now going abroad for AI treatments specifically to avoid the strict rules and ethical checks in their own countries. The fact

that countries have such different rules is a direct threat to patient safety and the basic standards of medicine. It suggests that the protection of human life is no longer a universal standard, but something that depends on which jurisdiction can offer the most “relaxed” rules for profit.

A POLICY FRAMEWORK FOR RESPONSIBLE AI IN ASSISTED REPRODUCTION

The fast-growing use of AI in reproductive medicine means that laws can no longer just focus on technical details. Instead, policies must ensure that human dignity is the most important part of every decision. To prevent the dehumanization of the act of creation, our regulatory response must move beyond the “black box” and toward a system of total transparency and accountability.

A truly responsible integration begins with the development of harmonized legal and ethical frameworks that transcend national borders. By building on global standards like those from UNESCO and adopting risk-based approaches similar to the EU AI Act, we can finally stop “regulatory arbitrage” and the rise of “AI-fertility tourism”. Future regulations must demand transparency. AI systems should not be allowed if they cannot explain their reasoning to the people who rely on them. When AI can explain how it works, it preserves the foundation of informed consent. This transparency is the only way to bridge the gap between technology and human responsibility (Hickman *et al.* 2025).

However, transparency alone is not enough, requiring the support of rigorous validation and continuous human oversight. The true success of these systems must be measured by actual live birth rates rather than surrogate metrics (Salih *et al.* 2023, 7). In this process, the concept of “Human-in-the-Loop” becomes a strategic imperative. AI should be a tool that supports doctors, not a technology that replaces their years of experience and judgment. By giving doctors the authority to override AI, we ensure that human reasoning guides every decision. This stops us from treating embryos as simple objects in a technical process.

This focus on people must also include how we handle data. Protecting the private genetic records of patients with the best possible security is the only way to keep their trust. We must also prevent “algorithmic eugenics” by making sure AI is trained on data from all kinds of people. This stops the technology from repeating old prejudices or discriminating against certain genetic traits.

To protect the ethics of tomorrow, human values must lead the way for innovation. This means making sure that informed consent is real, giving patients the freedom to choose traditional care over AI whenever they wish (Director 2025, 13). This must be supported by independent, interdisciplinary ethical boards and a commitment to continuous training for all staff. By carefully navigating the complex philosophical status of the embryo and prioritizing the “gift” of life over market-driven efficiency, we can ensure that AI serves the advancement of medicine without sacrificing the very essence of our humanity.

CONCLUSION

The integration of AI into assisted reproduction marks a definitive turning point in medical history. The clinical evidence is hard to ignore, as AI’s 81.5% accuracy rate offers a level of precision in predicting pregnancy that often surpasses even the most experienced human eye. However, this statistical success remains incomplete. The current lack of robust Randomized Controlled Trials (RCTs) focused on the only metric that truly matters (the live birth) suggests that our rush toward technology may be outpacing our scientific and ethical foundations.

This rapid progress carries big risks that reach into the most personal parts of our lives. The cold logic of algorithmic optimization threatens to turn the “miracle of life” into a quantifiable commodity, leading to the instrumentalization of human embryos. We are standing at a crossroads where the pursuit of “perfection” through AI risks reviving the specter of “algorithmic eugenics,” potentially eroding our society’s tolerance for natural biological diversity and the inherent dignity of every human life.

At the heart of this crisis is the “black box” problem. The use of opaque algorithms is not just a technical problem but a direct assault on the principles of informed consent and parental autonomy. By creating a “responsibility gap” where accountability is lost in complex code, we risk turning one of life’s most intimate decisions into a machine-led process. Therefore, the implementation of Explainable AI (XAI) and Human-in-the-Loop oversight is not merely a technical preference but an ethical necessity required to preserve the integrity of medical decision-making and the trust between a doctor and a patient.

On a global level, we are witnessing a dangerous legal fragmentation. While the European Union has taken a stand by

designating these systems as “high-risk”, other regions, including Serbia, face a critical regulatory vacuum. Serbia’s rapid advancement in general AI governance is commendable, but the lack of specific, binding laws for AI in assisted reproduction leaves a space wide open for “regulatory arbitrage”. This inconsistency threatens to turn human conception into a global marketplace where ethical standards are sacrificed for clinical or commercial speed.

The ethical integration of AI into human conception demands a response that is as sophisticated as the technology itself. It must be insisted on mandatory transparency, rigorous validation focused on live births, and clear, enforceable accountability. Most importantly, the focus must shift toward a human-centered design, a philosophy dedicated to using technology as a way to augment, rather than replace, the essential role of human judgment. In this uniquely personal and morally weighted domain of medicine, the machine must remain a tool, while the profound act of creating a life must remain, fundamentally and forever, human.

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РАЦИОНАЛИЗАЦИЈА РЕПРОДУКЦИЈЕ – ПУТ КА ДЕХУМАНИЗАЦИЈИ ЧОВЕЧАНСТВА: ПОЛИТИЧКИ, ПРАВНИ И ЕТИЧКИ АСПЕКТИ ПРИМЕНЕ ВЕШТАЧКЕ ИНТЕЛИГЕНЦИЈЕ У СЕЛЕКЦИЈИ ЕМБРИОНА

Резиме

Вештачка интелигенција постаје неизоставан део људског живота, а стварање човека у томе није изузетак. Иако примена вештачке интелигенције (ВИ) у биомедицински потпомогнутој оплодни (БМПО) буди нову наду код парова који се суочавају са неплодношћу, она истовремено намеће тешко питање: где су етичке границе допуштања алгоритму да задире у сам чин зачећа? У раду се заступа теза да све израженија „рационализација” репродукције путем селекције засноване на вештачкој интелигенцији не представља обично техничко унапређење, већ дубоко политичко и комплексно питање. Анализирају се правни и етички ризици оваквог поступања, са посебним освртом на дехуманизацију самог зачећа. Нарочиту забринутост изазива претерано ослањање на нетранспарентне алгоритме, чија природа „црне кутије” може угрозити аутономију родитеља и валидност њиховог информисаног пристања у овом дубоко интимном акту. Напоследку, разматра се филозофска опасност третирања ембриона као објеката селекције, чиме се директно нарушава њихово урођено достојанство. Тежећи да укаже на празнине у важећем законодавству, овај рад детаљно анализира прописе Републике Србије и утврђује да постојећа правна решења нису спремна за предстојеће изазове. У раду се предлажу нови регулаторни кораци којима се достојанство ембриона поставља у први план. Кроз призму етике и уз апел за очување људске емпатије, закључак рада је да некритичка примена вештачке

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интелигенције у репродукцији носи ризик да чин стварања живота претвори у хладан и механизован поступак.

Кључне речи: вештачка интелигенција (ВИ), селекција ембриона, дехуманизација, достојанство ембриона, правни и етички изазови, Република Србија

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TOWARDS THE NEW SOCIAL POLICY: EUROPEANIZATION OF THE NATIONAL POLICY OF FINANCIAL SUPPORT FOR FAMILIES WITH CHILDREN

Abstract

The paper examines the policy of financial support for families with children as an integral part of social policy in Serbia. Its aim is to present and critically analyze the design, scope, and effectiveness of four key measures of the policy of financial support for families with children –maternity leave, parental allowance, child allowance, and preschool subsidies – and to compare it with contemporary European policy trends. The scientific significance of the paper lies in its contribution to understanding the transformation of the national family-oriented social policies in post-transition contexts and their political implications within social policy reforms. By integrating the political, economic, and social dimensions of financial support measures, it expands existing knowledge on how public policies address demographic challenges, gender equality,

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and child welfare. The focus is on the coverage and adequacy of targeted cash benefits as well as the development of the national design of parental leaves and its generosity in the process of harmonization with the standards of the European Union. The paper has the potential to inform evidence-based policymaking by offering recommendations for improving financial support measures, strengthening parental equality, and reducing child poverty. The comparative analysis with European Union policies highlights gaps and opportunities for policy harmonization, emphasizing the need for sustainable, inclusive, and investment-oriented approaches to the policy of financial support for families with children in Serbia.

Keywords: social policy, public policy, family support, child welfare, parental leave, child allowance, preschool subsidies

INTRODUCTION – FAMILIES AND CHILDREN IN THE PUBLIC POLICIES

Policies of financial support for families with children are an important part of the social policy of each country. Traditionally, their main goals have been to encourage childbirths and to provide coverage for the risk of poverty and additional expenses associated with raising children, and over time, they expanded to empowering families through the provision of counseling and other services (Vuković 2009). At the same time, the achievements of these policies have come to include the economic independence of women and raising their employment rates, as well as promoting family-work balance. Of no less importance is the positioning of such policies within the framework of the so-called social investment paradigm, which does not comprehend benefits and services for families with children as a cost, but as an investment for the future and activation, along with the promotion of gender equality (Morgan 2012). Increasingly, policies of financial support for families with children have been coming into focus for decision-makers, but also for the general public, due to the perceived connection with the impact on birth rates and demographic trends characterized by decreased populations and their aging. In addition to modifying family dynamics and the aging, the change in the goals of supporting families with children is strongly determined by global economic competition, that

is, the resources available to states for their funding (Gurín and Hyun Kim 2025).

There are significant disagreements in theory and practice regarding the definition of the family, but also its role and place in the social structure in general, especially from a historical perspective. Personal and social importance make the family “a fundamental group in society deserving of protection” (Tryfonidou 2024, 19), whereas sociological considerations of its functions indicate the multiplicity and multiple layers of family roles and, at the same time, the need for support in performing roles and functions (Šućur-Janjetović and Rakanović Radonjić 2023). For many years, numerous changes have been noticeable in the family: it does not have to consist of both parents; parents do not have to be of the same sex, nor be married; children do not have to be biologically related to their parents; family members do not have to live in a common household, etc. (Archard 2024). All this resulted in a departure from the so-called nuclear family (consisting of a man and a woman with their biological, married children), which was at the center of the social policy throughout the post-war period. However, then, as now, the rights, obligations and duties of family members were regulated by means of family relationships, i.e. individuals have been exercising and retaining certain rights only through their status as a family member – “in most instances, legal texts employ terms that denote a familial relationship (e.g. ‘marriage’, ‘parent’, ‘child’, ‘descendant’) to determine whether individuals can derive rights or entitlements as a result of the relationship they maintain with another person. The courts are, therefore, more concerned with the interpretation of these terms than with determining the meaning of the notion of ‘family’” (Tryfonidou and Öberg 2024, 2).

Changes related to the world of the family and the recognition of their impact and significance have influenced, among other things, the transformation of the understanding of the rights and obligations of the child, by launching initiatives, at the global level, with the aim of conceptualizing a specific catalog of rights that would apply exclusively to children. As a result, the Convention on the Rights of the Child of 1989 was created, one of the most significant international documents in the field of child rights and care, which was, among others, signed and ratified by the Republic of Serbia. This document introduced important innovations by defining the rights of the child, guided by his/her best interests and centering on the child, as well as prohibiting

discrimination against the child (Žegarac *et al.* 2021). Among other things, the Convention provides for the right of the child to social protection (Konvencija o pravima deteta [KOPD] 1989, Art. 26) and to a standard of living adequate for the child's development (KOPD 1989, Art. 27, para. 1). At the same time, it obliges states to provide support and assistance to parents in the exercise of this right of the child and provides for the provision of support measures by the state itself (KOPD 1989, Art. 27, para. 3).

The introductory part of the paper is followed by the description of the design of the policy of financial support for families with children in Serbia. After that, European Union documents of importance for this area are reviewed. The central part of the paper is the analysis of the comparability of the national and the EU policies, considering the need to harmonize national regulations with European ones, the effects of which are subject to further consideration in the paper.

POLICY OF FINANCIAL SUPPORT FOR FAMILIES WITH CHILDREN IN SERBIA

In Serbia, the most significant influence on the current policy of financial support for families with children derives from the reforms implemented in the early 2000s. Currently, the policy is regulated by two key legal regulations: the Labor Law (Zakon o radu [ZR] 2005) and the Law on Financial Support to Families with Children (Zakon o finansijskoj podršci porodica sa decom [ZFPPD] 2017), along with their amendments. The most prominent forms of financial support for families with children, both generally and in Serbia, include wage compensation during maternity leave, parental allowance, child allowance, and preschool subsidies.

Wage compensation during work leave

Combined maternity and childcare leave is provided for a total of one year for the first and second child, while for the third and each subsequent child, a duration of two years is guaranteed. Within the aforementioned leave, maternity leave lasts until three months from the date of childbirth, while the rest is leave from work for childcare. The legal formulation provides for the right of an employed woman to leave. An innovation is that the father of the child is entitled to leave

in cases of unemployment of the child's mother. In addition, the father is entitled to take maternity leave when the mother dies or abandons the child. This right may also be transferred if the mother is prevented from exercising it for a period of at least three months due to justifiable reasons, which include serving a prison sentence, serious illness, or other legally unspecified circumstances. The child's father also retains the separate right to take leave from work to care for the child (ZR 2005, Art. 94 and 94a). At the same time, the father has the right to paid leave from work for a total of up to seven working days during the year, including in the event of his wife giving birth (ZR 2005, Art. 77).

After the legal amendments in 2021, the amount of benefits during the leave was reduced by changing the rules for their calculation. The gradual reduction of the amount of the benefit depending on the length of employment before exercising the right to leave and the proposal that the maximum amount of the benefit be three times the average salary in Serbia were met with strong opposition from civil society organizations and the "Mothers are the Law" movement, especially intense during 2019. Certain legal corrections have been made, so that the base amount of the benefit is currently determined based on the sum of the monthly bases during the 18 months preceding the start of the leave, the maximum amount of the benefit cannot be more than five times the average wage, while the full amount of the benefit cannot be lower than the minimum wage (ZFPPD 2017, Art. 13 and 14). Another legal innovation is the introduction into the law of mothers who become employed after the birth of a child (ZFPPD 2017, Art. 12), as well as the inclusion of mothers (and fathers, in cases of mothers' incapacity) employed in so-called atypical forms. The above applies to other benefits in cases of, among other things, performing temporary and occasional jobs, as well as on the basis of a contract for work and on the basis of an author's contract (ZFPPD 2017, Art. 17). The amount of the benefit is calculated in the same way as the amount of benefit paid in cases of standard employment.

Parental allowances

The right to parental allowance was introduced in 2002 (Vuković 2002). Until today, it has been largely transformed, but has retained its distinct characteristic of a population policy measure of universal coverage. It is currently exercised by the mother for the first, second,

third, and fourth child if she is directly caring for the child. The father may also exercise the right to parental allowance if the mother is a foreign citizen, is not alive, has abandoned the child, has been deprived of parental rights, or is prevented from caring for the child for objective reasons (ZFPPD 2017, Art. 22). The amounts of the benefits are fixed, but are conditioned by the order of birth of the child, and, with the exception of the first-born child, are paid in 24 (for the second child) or 120 equal monthly installments (for the third and fourth) (Table 1). In 2024, the benefit amounts ranged from 371,614 RSD for the first child, over 329,643 RSD for the second, and 1,977,861 RSD for the third, up to 2,966,792 RSD for the fourth (Ministarstvo za brigu o porodici i demografiju [MBPD] 2024). Amendments to the law adopted at the end of 2024 apply to children born after January 1, 2024, when the amounts were increased for the first child to 500,000 RSD, and for the second to 600,000 RSD (Zakon o izmenama i dopunama Zakona o finansijskoj podršci porodici sa decom [ZIDZFPPD] 2024). These amendments put children born in early 2024 in a more favorable position than children born before the aforementioned amendments to the Law (ZIDZFPPD 2018).

Table 1. Nominal amounts of parental allowance and trends in the number of children, 2018–2024.

Year	2018.	2019.	2020.	2021.	2022.	2023.	2024.
Amount for the first child	39,898	99,800	103,020	106,412	321,900	345,398	371,614
Amount for the second child	156,017	239,520	247,249	255,391	285,544	306,388	329,643
Amount for the third child	280,818	1,437,120	1,483,494	1,532,346	1,713,264	1,838,332	1,977,861
Amount for the fourth child	374,420	2,155,680	2,225,242	2,298,519	2,569,896	2,757,498.	2,966,792

Number of born children	63,975	64,399	61,692	62,180	62,700	61,052	60,845
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Source: Authors

Child allowances

The right to child allowance is a social policy measure aimed at poor families. Unlike parental allowance, it is linked to one of the parents who directly cares for the child. This right may include the first four children in the family, provided that it is linked to school attendance, and therefore it can be exercised by regular students up to the age of 20. Children with developmental or other disabilities, or children over whom parental rights have been extended by a court decision, may exercise the right to child allowance until they reach the age of 26 (ZFPPD 2017, Art. 26).

This type of cash benefit is granted in equal amounts, with the introduction of new measures starting in 2018, including a 30% increase for children in single-parent families and a 50% increase for children with developmental disabilities (ZFPPD 2017, Art. 33). This was followed by an increase of up to 80% for children who meet the conditions for an increase on multiple grounds (ZFPPD 2017, Art. 33). In 2024, the benefit amounts ranged from 4,120.55 RSD to 7,416.99 RSD (Table 2).

Table 2. Nominal amounts of child allowance, 2019–2024.

Year	2019.	2020.	2021.	2022.	2023.	2024.
For a child for whom the right has been exercised	2,994.00	3,047.94	3,084.43	3,326.47	3,829.86	4,120.55
For single-parent families and guardians	3,892.20	3,962.33	4,009.76	4,324.40	4,978.81	5,356.70

For parents of a child with developmental disabilities and a child with a disability and for a child who receives an allowance for assistance and care of another person	4,491.00	4,571.92	4,626.66	4,989.71	5,744.80	6,180.83
For a child who meets the conditions for an increase on several grounds	5,389.20	5,486.30	5,551.98	5,987.64	6,893.75	7,416.99

Source: Authors

Preschool subsidies

Preschool care for children in Serbia is a key public service that is not limited to education; it is a comprehensive activity encompassing nurturing, nutrition, preventive health, and social protection for children up to school age (Zakon o predškolskom vaspitanju i obrazovanju [ZPVO] 2010; Zakon o osnovama sistema obrazovanja i vaspitanja [ZOSOV] 2017).

The financial responsibility for early childhood education and care (ECEC) in Serbia follows a decentralized funding model shared between central and local government. Local self-government units (LSUs) are primarily responsible for the operational financing of ECEC, being mandated to cover at least 80% of the economic cost per child for all activities (care, nutrition, and health protection), with the option to fund the cost entirely (100%) (ZOSOV 2017). The state retains direct financial responsibility for guaranteeing full reimbursement for the most vulnerable groups, such as children without parental care, those with disabilities, and recipients of cash social assistance (ZFPPD 2017). LSUs, however, are separately tasked with providing regressive subsidies

for children from other materially deprived families. These combined efforts reflect a significant investment, with approximately €1.4 billion allocated to financing ECEC in the Republic of Serbia between 2021 and 2023 (Državna revizorska institucija 2024).

As of 2006, free mandatory attendance of a preparatory preschool program for a period of at least 6 months was introduced for all children aged between five and a half to six and a half years. Initial evaluations showed that, despite this mandate, the smallest coverage remained among children from families most at risk of poverty (Pešikan i Ivić 2009). Following this, and due to the fact that many children could not be enrolled in public facilities (Republički zavod za statistiku [RZS] 2015), subsidized funding for private preschools was introduced in 2015 for children who could not be admitted to a state-run kindergarten (Skupština Grada Beograda 2/2015).

Despite these efforts, persistent challenges related to equity and coverage have been prominently highlighted. These issues include significant disparities in the overall coverage of children between different LSUs, as well as critically low inclusion rates for children from Roma settlements. Furthermore, LSUs often fail to develop short, high-quality diversified programs – a failure commonly attributed both to a lack of financial resources and a fundamental misunderstanding of the importance of these programs in enhancing overall coverage (Vlada Republike Srbije 2021).

EUROPEAN UNION REGULATIONS IN THE FIELD OF POLICY OF SUPPORT FOR FAMILIES WITH CHILDREN

Policy of family support and family policies in general are the responsibility of the Member States. Since the very foundation of the European Communities, the regulation relating to support for families with children at the Community level has been set within the framework of the right to free movement (Öberg 2024; Groussot, Petursson, and Loxa 2024; Perišić 2021). It was only in the 1980s that efforts at the Union level began to be observed, directed towards the creation of a Community family policy, and in 1989 four areas of common interest for the Member States were identified: “the reconciliation of family and professional obligations and the distribution of family responsibilities; support measures for specific groups of families; protection of the most

vulnerable families; and the spreading of the impact of Community policies on the family, in particular the protection of children” (Hantrais 2007, 103).

In 1992, the Maternity Leave Directive was adopted to provide for the protection of pregnant workers and workers who have recently given birth, for at least 14 weeks, with two mandatory weeks before and/or after the birth of a child (Directive 1992/85/EEC). Almost two decades later, in 2010, the Parental Leave Directive was adopted to define stronger requirements for leave for the birth of a child (whether own or adopted) and for the care of that child up to the age of eight, but not only for women. Men were also entitled to this right. This Directive defined the right to parental leave as an individual right and stipulated that it should last at least four months. It also stipulated that it is non-transferable, to promote equal opportunities and equal treatment between men and women. In order to encourage both parents to take time off work for the birth of a child, it also provides that at least one of the four months is non-transferable (Directive 2010/18/EU). Finally, the issue of parental leave has been regulated by the Directive on work-life balance for parents and carers, which was adopted in 2019. In order to achieve equality between men and women in terms of opportunities in the labor market and treatment at work, it has provided for an individual right to paternity leave, parental leave, and carers’ leave (Directive 2019/1158/EU). Paternity leave is defined as the absence of “the father or, where and to the extent recognized by national law, the equivalent other parent, at the birth of a child to care for the child,” and parental leave as absence “from work for parents, following the birth or adoption of a child, to care for the child” (Directive 2019/1158/EU, Art. 3). While the period of paternity leave is provided for 10 working days, the period of parental leave is provided for a minimum duration of four months, two of which cannot be transferred between parents. It has been established that the benefit provided for during paternity leave should be in an amount that would be at least equal to the amount that the employee would receive in the event of a break in work due to illness, and the benefit provided for during parental leave should be determined in an amount defined by the Member States or social partners, but in such a way as to encourage both parents to take it (Directive 2019/1158/EU).

With the exception of directives, which are the most commonly used instrument of secondary legislation in the field of the EU social policy, and which Member States are obliged to implement by ensuring

the fulfillment of the prescribed objectives, the issue of policy of support for families with children in the European Union also represents an important segment of the European Pillar of Social Rights, adopted in 2017. Namely, childcare and support for children are envisaged as a right within the third pillar titled social protection and inclusion. Childcare and support for children is defined in terms of the following aspects: “Children have the right to affordable early childhood education and care and to quality care. Children have the right to protection from poverty. Children from deprived families have the right to specific measures to promote equal opportunities” (EUR-lex 2017, Art. 11). Additionally, within the second pillar (fair working conditions), which provides for the right to a balance between private and professional life, the following is regulated: “parents and people with caring responsibilities have the right to appropriate leave, flexible working arrangements and access to care services” (EUR-lex 2017, Art. 9).

In the development of the EU social policy in the field of support for children and families with children, the European Commission Recommendation “Investing in Children: Breaking the Cycle of Disadvantage” represents a significant milestone (European Commission 2013/112/EU). The recommendation emphasizes the importance of enabling access to adequate resources through support for parental employment and a combination of cash benefits, support through social services, or assistance in kind, as well as ensuring access to quality and affordable services, such as early childhood education and care and healthcare.

COMPARATIVE VIEW: SERBIA AND THE EUROPEAN UNION

In the EU Member States, policies of financial support for families typically cover three main areas: cash benefits to families, parental leave, and early childhood development, education, and care services. As Mary Daly shows, financial support policies are most often focused on the family as a collective unit – assistance is allocated to parents, not directly to children, thus viewing children indirectly through the needs of the family (Daly 2020). When it comes to parental leave, she identifies a trend towards the increasing involvement of fathers, with the right to leave often not being transferable, which encourages their direct involvement in child care. In terms of early childhood

development services, Daly points out that childhood is seen as a key stage for investing in human capital, and children's early development and education are recognized as the basis for long-term social and economic goals (Daly 2020).

Compared to European Union Member States, the following trends are observed in Serbia: financial support is aimed at increasing family income, with a disproportionate increase in the amounts of financial support aimed at increasing the birth rate; absence from work for the purpose of childcare is a mandatory component of labor law in which the recognition of fathers' rights to this type of support in certain circumstances is observed, but it is not implemented to a greater extent precisely due to the current design (lack of transferability); children's stay in preschool facilities is recognized as a social investment that includes investing in increasing appropriate infrastructure and professional capacities for a greater coverage of children.

In Serbia, wage compensation during work leave for childcare purposes is regulated by labor legislation, namely by the part that regulates the protection of employees. This segment, along with the regulation protecting maternity, also includes the regulation on maternity leave and leave of absence from work for childcare purposes. At the same time, the law does not recognize the terminology of the European Union, such as the right to paternity leave and the right to parental leave. Employed mothers are the holders of this right, although fathers can also have it, but in cases that are still very traditionally regulated, as stated in the paper. The non-transferability of the right as such is therefore not contained in the legislation. A major step forward is represented by recent changes and the possibility of using this right by fathers in cases of a mother's unemployment. For a long time, due to the contributory logic of the system, unemployed mothers were excluded from the benefit system and relied on the rarely available options of occasional variable-amount benefits that exist in some LSUs.

Generosity in terms of the length of leave, comparable to former socialist countries which are today's EU member states, is accompanied by a high level of benefits during leave. This, however, in combination with the non-transferability of leave, leads to the fact that the legislation represents a strong lever that disincentivizes employers from hiring young women. Patriarchal norms in society, but also the optionality of paternity leave, lead to an extremely low number of fathers taking leave, with mothers predominantly exercising their rights. The unequal distribution

of household chores, including childcare responsibilities, which is also targeted by European regulations, has negative consequences for women's engagement in paid work in Serbia. This can also be illustrated by the reasons why women are outside the sphere of work. For example, in 2022, among the reasons why men and women work less than full-time employed, women were dominated by caring for children or other family members who cannot take care of themselves, with 93.7%, compared to 6.3% of men who cited this as a reason (RZS 2024).

The parental allowance was conceived as a population measure in Serbia, motivated by the fact that the reproductive norms of the population are characterized by low fertility rates, and that they need to be encouraged by monetary initiatives. In this regard, the expected results have largely been missing. In the ten-year period since the introduction of this measure (i.e., from 2002 to 2011), the fertility rate fell from 1.6 to 1.4, only to increase to 1.5 in 2019 and remained unchanged for the next two years (RZS 2022). After that, it increased to 1.63 in 2022, decreased to 1.61 in 2023, and then returned to the 2022 level (RZS 2025), which indicates fluctuating and unstable changes. As a result of concerns about Serbia's demographic future, innovative approaches were announced for the beginning of 2022, but no measures have been proposed in the meantime.

Instead of innovative measures, 2019 was marked by a jump in the amounts of parental allowance – the parental allowance for the first, third, and fourth child has been increasing several times compared to the previous year: 2.5 times for the first child and more than 5 times for the third and fourth child. In addition, despite the increase in the amount of parental allowance from 2019, in 2022, the one-time amount of parental allowance for the first child was increased three times (Perišić 2023). However, the above changes did not lead to a real increase in the number of newborn children on an annual basis. In the period from 2019 to 2024, slight fluctuations were recorded, so in 2019, 64,399 children were born, while in 2024, 60,845 were born (Table 3).

Table 3. Number of children born, 2019–2024.

Year	2019.	2020.	2021.	2022.	2023.	2024.
Number of children born	64,399	61,692	62,180	62,700	61,052	60,845

Source: Authors

Given that the means-test as the basis for exercising the right to parental allowance is set high, this benefit represents an almost universal population measure. At the same time, it represents the most generous monetary incentive (especially compared to the average salary in Serbia) and indicates that it is necessary to develop a number of additional mechanisms (apart from monetary ones) in order to encourage parents to change reproductive norms. Compared to our country, there is a wider range of models at the European Union level – from Scandinavian high-paying systems (Sweden, Norway), through flexible systems (Germany, Denmark), to countries with multi-year absences, but low benefits (Italy).

Child allowances, as a measure directed at low-income families, are designed to support only the poorest among the poor, with the eligibility threshold falling below both the at-risk-of-poverty line and even the absolute poverty line. Making the exercise of the right conditional on school attendance and limiting the right to four children per family is the subject of frequent criticism in society, primarily taking into account that Roma families, who are most exposed to poverty, have more than four children and face numerous obstacles to education.

The coverage of children with child allowance is continuously declining – in 2019, it covered 226,289 children, but in 2020 it decreased by 13 percentage points, and in 2021 by an additional 10 percentage points, covering 175,769 children (RZS n.d. a). According to data for 2023, the number of child benefit beneficiaries fell to 148,407 (RZS n.d. a). The number of beneficiaries of the increased child allowance has increased slightly, from 51,268 in 2022 to 52,391 in 2023 (RZS n.d. a). Despite the right to child allowance, children in Serbia represent the age group that is most and above average exposed to poverty.

The nominal value of the child allowance is indexed twice a year. Looking at the ratio of the nominal and real amount of child allowance in the period from 2018 to 2024, it is noted that inflation is growing faster, so the real purchasing power of the allowance is significantly decreasing. Thus, the real value of child allowance in 2024 is about 33.8% lower than its nominal amount (Table 4).

Table 4. Nominal and real value of child allowance, 2018–2024.

Year	HICP	Nominal value	Real value
2018.	106.8	2,788.56	2,611.01
2019.	108.8	3,044.90	2,798.62
2020.	110.7	3,090.61	2,791.88
2021.	115.2	3,192.39	2,771.17
2022.	128.7	3,569.30	2,773.35
2023.	144.2	4,059.65	2,815.29
2024.	151.1	4,215.32	2,789.76

Source: Authors

Although child allowance in Serbia is granted per child, so families with multiple children can receive a higher total amount, its adequacy remains limited when compared to the real cost of living. Using the OECD equivalence scale, it is estimated that the minimum needs of a family of four (two adults and two children) in December 2024 amount to around 64,017 RSD, while for a family of five (with three children) it amounts to around 73,162 RSD (Authors' calculation based on three-person household data from MUST, 2025). At the same time, the total amounts of child allowance for two and three children (8,241 and 12,361 RSD) cover only 12.8% and 16.9% of the minimum consumer basket, respectively. These data indicate that, although child allowance can alleviate the financial burden in families with multiple children, its role remains symbolic in terms of meeting basic living needs, which calls into question its real function in the fight against child poverty.

Finally, the coverage of children aged 0 to 3 in preschool education is increasing, but still amounts to a modest 39% in 2023 (RZS n.d. b). The coverage of children in the mandatory one-year program, before starting school, was 97.3% in the same year (RZS n.d. b). Although the overall ECEC attendance rate for children aged 36–59 months saw a significant increase from 50% in 2014 to 61% in 2019, persistent inequities remain a serious concern (UNICEF and Svetska banka 2022). Specifically, only 10.5% of children from the poorest wealth quintile and a mere 7% of children from the Roma population are enrolled in these programs (UNICEF and Svetska banka 2022). This disparity is primarily

driven by an uneven distribution of preschool facilities, high costs, and significant differences in accessibility between urban and non-urban areas (UNICEF and Svetska banka 2022).

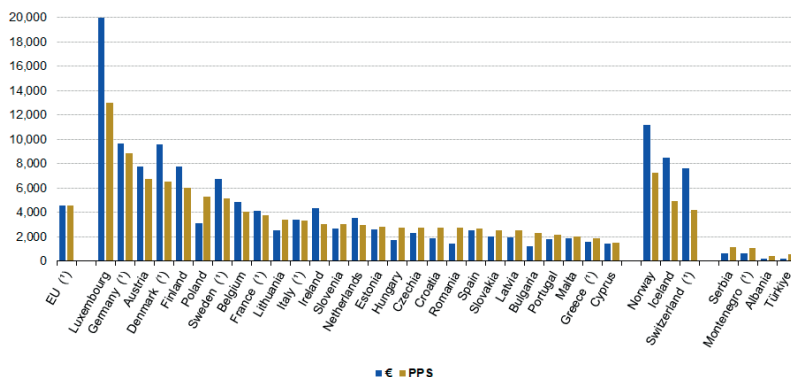
Improving ECEC in Serbia as a priority in the Reform Agenda of the Republic of Serbia from 2024, which represents a key strategic document for accelerating reforms on the path to membership in the European Union, corresponds to the strategic direction of the European Union in the field of education. The Agenda pays special attention to the development of infrastructure for ECEC, and out of a total of eight indicators in the field of education, two are directly focused on early development, education, and childcare – increasing the coverage of children up to 3 years of age and children aged 3 to 5.5 years in preschool education. The document states that Serbia still lags behind the EU average in preschool attendance rates, and one of the key goals is to increase coverage in order to improve the educational foundation and reduce inequalities at an early age. At the same time, the Agenda also highlights the importance of preschool education for gender equality, as greater coverage can contribute to increasing female participation in the labor market, thereby improving their social and economic position. However, girls are still underrepresented in the system, accounting for only 48.5% of enrolled children (Vlada Republike Srbije 2024). It is critically highlighted that preschool education in Serbia is still too often seen as a childcare system, rather than as a key foundation of the education system and an instrument of social and economic transformation (Vlada Republike Srbije 2024). These national priorities largely reflect the European strategic framework established by the 2021 EU Council Resolution, which defines the objectives of European education and training policy until 2030. Within the framework of that document, a goal was established (also known as the Barcelona Goal) that at least 96% of children aged three years and up to the start of compulsory primary education be included in the early childhood education and care system (Council of the European Union 2021/C 66/01).

Finally, developed with the aim of international comparability, the European System of Integrated Social Protection Statistics (ESSPROS) allows for the comparison of European countries' expenditure on financial support and in-kind benefits aimed at families and children. The function "family/children" within the ESSPROS system includes financial support to households for raising children, financial assistance

to persons supporting relatives (not only children), as well as social services intended to support and protect the family, especially children. According to the ESSPROS classification, expenditure on family and children includes periodic cash benefits: (1) income maintenance in the event of the birth of a child, (2) benefits during parental leave, (3) child and family allowances and (4) other periodic payments; in-kind benefits: (1) day care for children, (2) accommodation, (3) home help and (4) other forms of assistance; lump sum cash benefits include three categories: (1) birth allowance, (2) parental leave benefits and (3) other lump sum payments (Eurostat 2022a). The largest share of allocations in the EU is directed towards child and family allowances (42.6% of total expenditure), and it is the most dominant category in 18 EU Member States (Eurostat 2024). Child care costs account for 25.2% of total expenditure on family and child support and are the second most common type of support in the EU (Eurostat 2024). In countries such as Finland, Denmark, Spain, Sweden, Slovenia, and Croatia, they account for the largest share of expenditure on families and children (Eurostat 2024). One-off cash benefits, although present in most countries, account for a very small share of total expenditure, each individually less than 2% of the total amount at the EU level (Eurostat 2024).

For the purposes of international comparison of allocations for family and child support, the average amount of public spending per child, i.e., per person under 18 years of age, can be used. This indicator enables direct comparison between countries, whereby purchasing power standard (PPS) is applied instead of nominal euro values in order to eliminate price level differences. According to Eurostat data, in 2022, the average allocation in the European Union was 4.598 PPS per child, while Serbia allocated only 1.173 PPS, which indicates a significantly lower level of public financial support for families with children compared to the European average. In Germany, for example, the allocation was 8.881 PPS per child, almost eight times more than in Serbia. It should be noted that for some countries, the reported figures may overestimate the actual level of expenditure per child, as they may include support for children over 18 or other dependents (Eurostat 2024).

Chart 1. Family and child expenditure per child, 2022.



Source: Eurostat 2022b

CONCLUSION – THINKING ON FURTHER POLICY DEVELOPMENT

Globalization and intense competition, demographic change and migration, increasing inequalities and social spending, are some of the challenges that modern social policies face and need to respond to. Based on the assumption that some of these responses are more effective if coordinated at the international and regional levels, numerous nation-states have begun to redesign their own social policies. To a large extent, the new designs have begun to rely on the principles of personal responsibility of the individual, a limited role of the state in protecting the population, etc. The global economic and financial crisis of 2007, the migration “crisis” of 2015, and the health crisis caused by COVID-19 put under scrutiny austerity and reductions in the public sector, the withdrawal of social functions from states, and ultimately point to the extremely fragile, yet central role of families in ensuring child welfare. In the context of overcoming the consequences of these changes and crises, the intensity and dynamics with which they unfold, it is necessary to further strengthen and ensure the coordinated activities of the state, local communities, and the non-governmental sector, as well as to encourage intersectoral cooperation. In this regard, support measures for families with children, including financial measures, are particularly important.

The pre-transition legacy of contemporary measures to support families with children in Serbia is very influential even today. Despite its numerous shortcomings, which primarily relate to the traditional conceptualization of the role of women-mothers and the suppression of fathers from the sphere of parenthood encouraged by the state with its policies and measures, it certainly represents a good foundation that needs to be built upon. Positive improvements were lacking during the transition period. To the extent that family policy was in line with pro-natalist measures, it was developed. However, once again, true emancipation of women was lacking, and the opportunity for fathers to gain their place alongside newborns was missed. Therefore, it is important to implement legislative changes that would include the non-transferable right of parents to leave during childcare. The experiences of individual EU member states suggest that many of them have only relatively recently introduced paternity leave, in the sense that Serbia has realistic possibilities for its introduction. However, it seems that there are no voices in society advocating the introduction of non-transferable paternity leave. The same applies to parental leave. However, a step has been taken by adopting regulations on the possibility of fathers taking leave if the mother is unemployed. The fact that the number of fathers taking leave, when recorded at all, is extremely low is illustrative.

Improving national measures of financial support for families with children requires broad consultative and participatory approaches. The reason for this is the need to create an environment that would be supportive for families with children and empower parents to care for their children. Of no less importance is reaching a social agreement on the ways in which the state should and can encourage and “educate” about parenting styles, about including both parents in the child’s world from the earliest age, and overcoming family, gender, and other stereotypes. In this sense, it would not be good to lower the existing national standards related to mothers. On the contrary, they should be further strengthened, with a corresponding substantial redesign of paternity and parental leave. A desirable direction of development would be to adopt regulations on a fairer distribution of childcare responsibilities and the introduction of rights that are not transferable from one parent to another, as well as increasing the coverage of children in preschool facilities. Improving the system of subsidies for children in preschool facilities should be a complementary policy direction. Fairer and more generous child allowances, however, should be an equally important segment of future reforms.

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КА НОВОЈ СОЦИЈАЛНОЈ ПОЛИТИЦИ: ЕВРОПЕИЗАЦИЈА НАЦИОНАЛНЕ ПОЛИТИКЕ ФИНАНСИЈСКЕ ПОДРШКЕ ПОРОДИЦАМА СА ДЕЦОМ

Резиме

У овом раду тематизује се политика финансијске подршке породицама са децом, с обзиром на њен значај у оквирима националне социјалне политике и потребу за усклађивањем са европским стандардима. У уводном делу рада нагласак је на еволуцији циљева породичних политика, из аспекта теорије и праксе: од подстицања рађања и заштите од сиромаштва до промовисања усклађивања радних и породичних обавеза и економског оснаживања жена. Посебан нагласак је на улози социјалних инвестиција и променама концепата породице и родитељства, уз уважавање диверзитета породичних форми. Промене у домену права детета, уз ослањање на Конвенцију о правима детета, коју је Србија ратификовала, подвлаче обавезу државе да обезбеди подршку родитељима у реализовању права детета на адекватан ниво стандарда живота и развоја. Централни део рада представља анализу домаћих прописа и пракси, и то у поређењу са политикама и прописима Европске уније, нарочито у светлу процеса приступања Србије Европској унији. У њему се из вишеструких аспеката разматрају најважније мере политике финансијске подршке породицама са децом у Србији – материнско одсуство, родитељски додатак, дечији додатак и

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субвенције за дневно збрињавање деце. Презентован је и анализиран њихов дизајн, а затим је елаборирана имплементација релевантних правила, те њихова приступачност, адекватност и коришћење. Упркос снажном основу који национална политика финансијске подршке породицама са децом поседује, њени основни недостаци односе се на традиционалну конципираност улоге мајке-жене и неукључивања очеве у сферу родитељства кроз јавне политике и мере. Основни налази компаративне анализе указују на неколико суштински важних закључака. Прво, национално законодавство о одсуству у сврху бриге и неге детета, иако великодушне дужине, не препознаје терминологију Европске уније о родитељским одсуствима и нарочито је упадљиво непостојање непреносивог права родитеља на одсуство. Стога је важна имплементација регулативних измена којима би се елемент непреносивости увео, што би побољшало постојеће стандарде за мајке, док би истовремено проширило права и обавезе на очеве. Друго, родитељски додаци установљени су као готово универзална популациона мера, док су дечији додаци, као циљана мера социјалне политике усмерена према сиромашним породицама, повезани за врло ограниченом адекватношћу. Анализа је показала да је стварна куповна моћ дечијих додатака, додатно и знато опала као последица инфлације, те да велики број деце у Србији живи у сиромаштву. Поред тога, ограничења која се између осталог односе на искључивање породица са више од четворо деце, утичу на неадекватан обухват нарочито вулнерабилних породица, пре свега ромских. На крају, национална политика знатно заостаје са просеком ЕУ у погледу стопа обухвата деце у установама за њихово дневно збрињавање, нарочито деце млађе од три године и деце из ромских насеља. Унапређење система субвенција трошкова дневног збрињавања деце треба да представља комплементаран и суштински правац развоја политике. У закључку, поређење националних и европских политика указује на то да Србија обезбеђује знатно нижи ниво јавне финансијске подршке по детету, у односу на европски просек. Стога се у раду указује на хитну потребу за унапређењем мера финансијске подршке породицама кроз правичније и инклузивније дечије додатке, реформу система субвенција за дневно збрињавање деце, те усвајање законодавства које афирмише равноправност родитеља и њихово активно учешће у раном развоју детета.

Кључне речи: социјална политика, јавна политика, подршка породицама, дечија заштита, родитељско одсуство, дечији додатак, субвенције за дневно збрињавање деце

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CRITICAL REVIEW OF SOPHISTIC MODELS OF PERSUASION REGARDING THEIR SIGNIFICANCE AND INFLUENCE ON MODERN POLITICAL RHETORIC***

Abstract

Sophists were professional teachers of primarily rhetoric who imparted their knowledge to young men in the Greek world. They were active in the fifth century BC, and their influence, above all on rhetoric, was enormous both on later centuries and classical Greek authors, and up to the present day. This is especially reflected in political rhetoric, which is based on persuasion, i.e., convincing listeners by using various rhetorical techniques, the foundations of which were laid by the sophists. It is a common opinion that democratic campaigns should be based on rational argumentation based on the truth, but in practice, this is not the case, and they are more often based on opinion and not necessarily on truth. The basis of doxastic argumentation was laid by the sophists. This paper will analyze certain attitudes of the sophists as well as fragments of their works that indicate that their thought is still present in the political space,

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using and analyzing the best examples from the most famous sophistic representatives, namely Protagoras and Gorgias. Some of their principles are implemented in modern political campaigns in democratic systems, which reproduce the structural models of persuasion developed by the sophists, where the emphasis was on performance, the impression that was left and effective presentation.

Keywords: sophists, rhetoric, persuasion, political rhetoric, Protagoras, Gorgias, sophistic argumentation

INTRODUCTORY REMARKS

This paper examines the rhetorical corpus of the sophists, with particular emphasis on Protagoras and Gorgias, in order to analyze classical rhetoric within the sophistic tradition. Central to this analysis is the relativistic epistemology encapsulated in the proposition that “man is the measure of all things,” which privileges subjective interpretation as contingent upon specific contextual circumstances. In this respect, sophistic rhetoric exhibits notable affinities with later theoretical frameworks such as constructivism and pragmatism, while simultaneously functioning as an early model of persuasive practice within democratic settings. The primary objective of the paper is to compare sophistic rhetoric with contemporary political rhetoric, drawing on theoretical approaches from political communication. The analysis seeks to identify structural and functional continuities between these two rhetorics.

Methodologically, the study adopts a qualitative research design grounded in comparative rhetorical analysis. It systematically examines key rhetorical elements in sophistic texts alongside those found in modern political communication. Given the limited availability of primary sophistic sources, the analysis relies predominantly on secondary literature, including historical and philosophical scholarship, supplemented by relevant contemporary academic studies. Key concepts, such as kairotic persuasion, doxastic persuasion, and sophistic argumentation, are defined and critically discussed within this framework. Through a comparative approach, the paper identifies recurring rhetorical patterns and evaluates their persistence in contemporary political discourse. In doing so, it demonstrates the

continuity of sophistic rhetorical principles and their enduring influence on modern practices of political rhetoric.

In order to contextualize this analytical framework, it is necessary to look into basic historical background and the conceptual characteristics of sophistic rhetoric. To understand sophistic rhetoric, it is necessary first to clarify who the sophists were and why their reputation became so contested in antiquity. Although today the word sophist still has somewhat pejorative meaning, initially, as Diogenes Laërtius writes, it had a positive connotation, since the words σοφός and σοφιστής were used in the same meaning, describing a wise person, and even Homer and Hesiod were called sophists by Cratinus (Diogenes Laertius 1925a, 13–15). The sophists gained a bad reputation because they were considered to corrupt moral values since they questioned the existence of the gods, while putting man at the center, and in addition they charged for their services. On the other hand, Giorgini notes that the sophists did not question the traditional values of Greek society, but rather successfully worked in accordance with them, since they also held political offices, apart from teaching (Giorgini 2016, 14). Therefore, it was necessary for them to behave in accordance with existing standards in order to maintain the social status that brought them material benefits. Of course, it is difficult today to conclude what is entirely true since most of the information we learn about the sophists comes from secondary sources, and very few of the works of the sophists themselves have survived. Therefore, it should be assumed that the truth is somewhere in the middle; there were those who advocated controversial opinions at the time and questioned the existing order and value system, while others worked in accordance with them. Plato, who is the biggest critic of sophists, Aristotle, Aristophanes, and Isocrates, who wrote the famous work *Against the Sophists*, contributed the most to negative attitudes about them. Thus, the character of the stranger in the *Sophist* describes the sophist as a hunter who hunts people in exchange for money, and in return gives something like education, which he calls sophistry (Plato 1961, 289). At the end, Plato concludes that the sophist is an imitator of the wise, so his name is a variation of the word of that root (σοφός-wise).

This critical portrayal is closely tied to ancient debates about rhetoric and persuasion, which were central to sophistic practice. In Plato's *Gorgias*, rhetorical skill is described as the power of persuasion in court, in council, in assembly, or in any other type of gathering (Plato 1979, 19). Thus, it is almost common to see rhetoric, especially sophistic

rhetoric, as persuasion that must reach the souls of the audience. Gagarin, on the other hand, believes that influencing the opinions and attitudes of the audience was only one of the goals of sophistic logoi (Gagarin 2001, 277). He maintains that it was more important for the sophists to shock or tell the truth or please the audience than to convince them, which means that persuasion is one of the secondary goals, and more important than: “the serious exploration of issues and forms of argument, the display of ingenuity in thought, argument and style of expression, and the desire to dazzle, shock and please” (Gagarin 2001, 289). Whether one takes this position, that this is not the exclusive goal of sophistic rhetoric, or whether one believes that it is the main one, it is certain that persuasion played a major role among the sophists. I am of the opinion that persuasion was more important than the effects and goals that Gagarin cites, since they are short-term and easier to achieve, and also lead to persuasion, and therefore serve more as a means to achieve the goal.

As Bitzer notes, rhetoric is a way of changing reality by creating speech, which changes reality through thought and action (Bitzer 1968, 4). Similarly, Isocrates said that rhetoric is “the worker of persuasion” (Quintilian 1963, 303). Poulakos explains that it is important to distinguish rhetoric from knowledge (to episteme), since the goal of rhetoric is not to gain cognitive certainty, nor the confirmation of logic, but rather it is in a domain outside of logic and deals with what is possible and is receptive to the fluidity of contingent conditions (Poulakos 1983, 37). We can interpret this as if reality first changes verbally, then it is necessary for the wider masses to believe in what has been said, which leads to action, and finally, reality changes in the practical physical world as well, not only verbally. This is why the persuasive character of rhetoric is crucial, and the sophists, being the first to apply it in its full sense, are responsible for the development of political persuasion and political rhetoric to this day.

This general understanding of rhetoric as a force that operates through belief and action helps clarify what distinguishes sophistic rhetoric from other rhetorical traditions. Kennedy believes that sophistry is largely a product of rhetoric, while rhetoric is an older and more vital art form (Kennedy 1963, 26). This is certainly true, but sophistic rhetoric has its own peculiarities. Sophistic rhetoric is characterized by its situational, contingent, and doxastic orientation: it prioritizes plausibility, timing (*καίρως*), and audience beliefs over demonstrable

truth. Sophists treated rhetoric as a practical *techne* aimed at success in civic disputes, emphasizing probability, verbal agility, and the strategic reversal of positions. By contrast, rhetoric about which Plato and Aristotle write sought to discipline persuasion through stable norms, truth-orientation, and systematic theory. This type of rhetoric integrates logical structures and ethical constraints, framing persuasion as an adjunct to philosophy rather than an autonomous practice grounded in opinion and circumstance.

KAIROTIC PERSUASION OR TIMING AS POWER

This situational and contingent orientation of sophistic rhetoric is most clearly expressed in the concept of *kairos*, which gives temporal precision to persuasion. Although the word rhetoric as a discipline appeared only after the age of the sophists, certainly what they practiced corresponds to rhetoric, which Poulakos says is a skill that captures opportune moments of what is appropriate in a certain time and tries to present what is possible, that is, to convince the audience of it. Therefore, he concludes that it is essential to approach the rhetoric of the sophists as an art, style, and personal expression in which a good moment (*καιρός*), suitable (*τὸ πρέπον*), and possible (*τὸ δυνατόν*) play an important role (Poulakos 1983, 36).

It was important for the sophists that the speech was delivered in a timely manner in relation to the situation to which it refers, and when creating a speech, it is necessary to take into account timeliness. Therefore, it is important to respect the principle called *kairos* (Poulakos 1983, 39). If rhetoric functions by shaping belief at decisive moments, then timing becomes one of its main sources of power. Persuasion is most effective if applied at the right moment, so time is power for the sophist. Because of this, truth comes second to situational benefit. Giorgini states that sophists like Protagoras presented themselves as teachers of the art of life, and they taught their students primarily how to deal with circumstances, by reacting in a timely manner (*καιρός*) and answering practical needs (*τὰ δέοντα*) (Giorgini 2016, 13).

The fact that the sophists took into account *kairos*, that is, timeliness and appropriateness, shows that their speeches also had formal characteristics. They were not created *ex tempore*, that is, spontaneously, although they could sometimes seem so. This shows us that they paid great attention to the form of the speech, and that every word was said

intentionally and with a reason, just as political speeches are mostly created today for various purposes, especially when it comes to election campaigns. Therefore, what is said by the sophists had to be appropriate considering the time, the occasion, and the audience (Poulakos 1983, 42).

Sophists like Gorgias believed that things that are possible (probable) deserve more respect than those that are true. That is why the word *logos* has power, since it can create such possibilities. Isocrates also emphasizes the importance of *kairos*, either when describing current events or when using the past. Dionysius of Halicarnassus also tells us that Gorgias was the first to mention *kairos*, and we have proof of this in Diogenes Laertius when he talks about Protagoras' use of *kairos*. Kerferd emphasizes that these doctrines of probable or plausible, as well as the importance of timeliness and opinion, point to elements of the theory of rhetoric that have a lot of similarities with today's advertising and marketing techniques, whose originators are sophists (Kerferd 1981, 82). Therefore, advertising techniques are not only valid in marketing and for purely commercial purposes, but also in political marketing, which is most visible in democratic societies during elections.

In today's context, this is particularly visible during situations of political crises in which the media, the main mediators of political thought, play a significant role in persuasion, and taking advantage of the moment is of the utmost importance. Timely framing of events is particularly important, for example when it comes to scandals, security threats, economic instability, and state of war, in which political power depends on timeliness.

Sophistic rhetoric can also be understood as a form of agonistic persuasion, grounded in the conception of politics as contest (this agonistic element is not a characteristic of Greek politics alone, but of the entire Greek culture, including the theater with its protagonists and sports competitions). Rather than aiming at consensus or the discovery of objective truth, sophistic rhetoric emphasizes strategic confrontation, verbal competition, and the capacity to prevail in public disputes. Political persuasion is inevitably based on competitiveness, and in democratic systems where there is political pluralism, in order to gain the voter base, it is necessary to stand out. Political debates, election campaigns, and political speech in general can be viewed as theaters of competition, and victory is achieved not necessarily by facts and truth, but by elevating oneself, humiliating one's opponents, and activating the audience.

Political persuasion is used not only to influence the audience, or voters, but also political opponents, who can be manipulated and portrayed in a negative light in front of the audience through the skillful use of political persuasion, and some of the techniques we find among sophists that are used today are: reversals, antithesis, and appeals to plausibility. Therefore, we can conclude that political success depends more on execution and adaptation to the situation, or an appropriate and timely reaction, than on the truthfulness of the argument and its logic.

In contemporary politics, this agonistic aspect is highly visible. Electoral debates, media soundbites, and social media exchanges reward rhetorical agility, conflict framing, and symbolic victories over opponents. Political actors frequently prioritize scoring points, delegitimizing rivals, and mobilizing supporters rather than presenting the truth to voters and the general public. In this sense, modern political communication reproduces a distinctly sophistic logic, where persuasion is inseparable from competition and politics is staged as an ongoing rhetorical struggle.

DOXASTIC PERSUASION OR OPINION OVER TRUTH

The changes that occurred in the second half of the fifth century BC were of fundamental importance for society, since this period marked the beginning of a time when what people thought and said began to matter more than what was actually done. Kerferd notes that this led to a doctrine of the negation of truth and facts, where there are only ideologies and conceptual models, and the choice of which to adhere to is up to the authors (Kerferd 1981, 78).

This shift in social priorities had significant epistemological consequences, particularly regarding how truth itself was understood. The emphasis is placed on opinion, not on truth, or on what is possible, and not on what has been proven, since according to the sophistic doctrine, truth is individual, or can be observed in such a way that each person sees the truth in a different way, and therefore it is difficult to prove it. The form of “wisdom” thought by the sophist may be understood as an integrated combination of practical and political competence with proficiency in the persuasive use of language. The ontological and epistemological skepticism characteristic of some of the sophists gave rise to a conception of political expertise grounded in opportunism,

rhetorical “play,” and the dominance of doxa within the collective life (Johnstone 2006, 267).

This orientation toward opinion rather than truth also shaped how sophistic practice was perceived, both in antiquity and in modern scholarship. Even today, certain authors believe that with their provocative arguments, which could also be paradoxical, the sophists tried to get the audience’s attention in the first place, and not to teach them, that is, to show the truth (Gagarin and Woodruff 2008, 367). This interpretation, however, echoes an ancient understanding of sophistic practice as rooted in practical political skill rather than philosophical instruction. When describing his teacher Mnesiphilus the Phrearrhian in Themistocles’ biography, Plutarch says that he was: “[...] a cultivator of what was then called ‘sophia’ or wisdom, although it was really nothing more than cleverness in politics and practical sagacity. Mnesiphilus received this ‘sophia,’ and handed it down, as though it were the doctrine of a sect, in unbroken tradition from Solon. His successors blended it with forensic arts, and shifted its application from public affairs to language, and were dubbed ‘sophists’” (Plutarch 1968, 7).

These general characterizations are best understood through the doctrines of individual sophists. It is considered that Protagoras transformed the existing practice into intellectual exercises and the theoretical assumption that the truth is actually the most convincing argument, which does not necessarily have to be true or just, while Gorgias concluded that we must rely precisely on persuasion if we cannot reach the truth (Giorgini 2016, 25). Sextus in *Against the Schoolmasters* says following about Protagoras: “Some also reckoned Protagoras of Abdera in the company of those philosophers who do away with the standard of judgment, since he says that all appearances and opinions are true and that truth is a relative matter because a man’s every perception or opinion immediately exists in relation to him. At any rate, he begins the Refutations with the following pronouncement: ‘Of all things the measure is man, of things that are that they are, and of things that are not that they are not’” (Sprague 2001, 18). Similarly, Gorgias says in the Encomium of Helen: “Speech is a powerful lord, which by means of the finest and most invisible body effects the divinest works: it can stop fear and banish grief and create joy and nurture pity [...] that on most subjects most men take opinion as counselor to their soul, but since opinion is slippery and insecure it casts those employing it into slippery and insecure successes” (Sprague 2001, 52). He who

speaks, together with persuasion, can shape the soul however it wishes. To understand this power, he points to three examples of astronomers, who substitute opinion for opinion making incredible seem true, then he uses the example of legal debates where skillful speech overcomes the truth, and thirdly, philosophical disputes where opinion can be changed quickly through the swiftness of the thought (Sprague 2001, 52).

It is this triumph of opinion over truth that provoked philosophical criticism. Plato concludes that the sophist does not offer real knowledge, but only an opinion about things: "Then it is a sort of knowledge based upon mere opinion that the sophist has been shown to possess about all things, not true knowledge" (Plato 1961, 325). So the sophists base their argumentation on opinion, not on truth. Perhaps that is why it is so convincing because it is flexible and subject to imagination and has no limits, unlike argumentation based on facts. This is precisely one of the similarities with political rhetoric, which is often, as can be seen, not based on truth but on the possibilities and promises that the target audience wants to hear. Aristotle shares a similar opinion to Plato, and in his section *On Sophistical Refutations*, he says that the art practiced by sophists is actually an illusion of wisdom, which is out of touch with reality, and they make money on this apparent wisdom (Aristotle 1955, 11). He also calls sophistry that which appears to be philosophy, but which in fact is not (Aristotle 1933, 157).

Beyond epistemological questions, sophistic rhetoric also raised ethical and social concerns. It could be argued that sophists imposed or manipulated opinion, and sophistry can therefore be understood as deceiving and leading the audience to accept another opinion. Since the sophists began to teach how to speak, it can be understood that they limited critical thinking by using certain formulaic approaches and patterns, which leads us to tautology. McGee states that when individuals seem to think and act as a collective, they have in fact been misled, whether through manipulation or self-deception, into treating imagined constructs such as a "public mind," "public opinion," or a "public philosophy" as if they were real and given facts (McGee 1980, 2). It could be argued that sophisticated tactics could be used to actively impose and stabilize desired opinion through teachable rhetorical techniques. In this sense, persuasion risks becoming tautological: arguments circulate by repeatedly affirming what already "seems" commonly accepted, so that opinion is justified by opinion itself.

These changes also manifested in legal and political practice. Namely, the concept of truth was likewise questioned in judicial practice when logical reasoning replaced oaths and witnesses, and the real truth was not the end result of legal disputes, but what was the product of persuasion, which was the very essence of the dispute (Giorgini 2016, 17). If we look closely, we can see this preponderance of better, or more convincing, argumentation that does not necessarily have to be based on truth in political oratory, and therefore its practical consequences in the modern era. One of the best examples with the worst consequences is Hitler's policy, which, based on anti-Semitism rather than facts, managed to deceive the masses across Europe, leading to catastrophic consequences.

Now, in modern politics, and especially in campaigns, this is visible through the use of slogans, repetition, or repetition of certain phrases. This type of persuasion is also contributed by a performance that has dramatic elements, and leaves an emotional reaction in the audience, which is visible in most world leaders. By applying this type of model in which the emphasis is on opinion, the goal is to create a group or society that shares the same beliefs and opinions, and not to present facts. In creating such shared beliefs and values, slogans, simple narratives, and formulaic repeated expressions play an important role.

What counts as truth in politics is inseparable from belief. Its falsity is therefore rhetorical rather than epistemic: ideological claims appear true or false only insofar as persuasion succeeds in making certain normative commitments seem plausible (McGee 1980, 4). This understanding closely aligns with the sophistic model of doxastic persuasion. The sophists did not aim to establish timeless truths, but to shape what appears credible, reasonable, or acceptable to an audience at a given moment. Political "truth" emerges from opinion (*δόξα*), not from demonstration (*ἐπιστήμη*); ideology operates similarly as sophistic persuasion does because it produces the illusion of truth by rhetorically organizing beliefs, not by uncovering an objective reality beyond persuasion. McGee claims that political language is an ideology in practice, by means of which decisions are managed, and public change, apostasy, and behavior are controlled, and its characteristics are the vocabulary of ideographs and slogans (McGee 1980, 5).

If truth functions through what is said rather than what is proven, then persuasion necessarily relies on presumptions that precede and structure argument. A central difficulty in theorizing presumptions

concerns how they relate to evidence in argumentative contexts; presumptions often function as acceptable starting points in reasoning, even when they are not supported by evidence strong enough to establish their truth conclusively. From a strict logical perspective, this evidential insufficiency can make presumptions appear problematic or questionable (Walton 2009, 18). Suspicion, therefore, arises because, measured against logical standards of proof, presumptions seem weakly justified, even though they play a necessary and functional role in real-world reasoning and debate. So, the assumptions, that is, the possibilities, on which the double argumentation present in the sophists is based, are in collision with logic.

SOPHISTIC ARGUMENTATION

First criticism of the new approach began because of court cases where skilled orators managed to persuade people to believe anything, and later the criticism was transferred to the works of famous writers such as Euripides, believing that such techniques disregard wisdom (De Romilly 2002, 68). Gorgias is reported to have also authored a *Method of Argument* as well as two books of *Antilogies*. These works indicate that he instructed his students in the systematic practice of arguing both for and against a given position, as he was teaching them to alternate between praise and blame, between prosecution and defense. Such structured oppositional exercises are commonly described as the use of “double arguments” (De Romilly 2002, 76).

This method of counterargument flourished in the late fifth century, but soon disappeared; nevertheless, the teachings of the sophists were applied in an assimilated form and have survived to the present day (De Romilly 2002, 89–90). As we see from the fragments and secondary sources, Gorgias and Protagoras held that absolute truth cannot be known, and such an epistemology, Kennedy believes, is the product of rhetoric, which plays an essential role in the argument from probability. Such reasoning would be ruled out by a philosophy that claims scientific rigor and exactitude, since probabilistic arguments frequently allow for equally persuasive demonstrations of opposing conclusions (Kennedy 1963, 31).

The main argument used by the sophists was that of probability. For example, in the courts, the subject of debate was not truth but what seemed possible, and the sophists knew how to use this argument

systematically and subtly. They were also adept at employing this argument indirectly, turning an argument based on likelihood back on itself in order to produce the opposite conclusion (De Romilly 2002, 58). We see an example of such a case in Plato's *Phaedrus* when he describes the persuasive argument used by Tisias: In the event that a strong but cowardly man is robbed by a small and weak thief, in court both the accused and the accused must lie; the accused because he is ashamed of the situation, and the thief can use the argument that he could not have done it because he is so weak. In this way, the truth is completely bypassed (Plato 1982, 557–558).

About double argumentation, which was also used by Protagoras Diogenes Laertius begins his account of the famous sophist's teachings by saying: "Protagoras was the first to maintain that there are two sides to every question, opposed to each other, and he even argued in this fashion, being the first to do so. Furthermore, he began a work thus: 'Man is the measure of all things, of things that are that they are, and of things that are not that they are not'" (Diogenes Laertius 1925b, 463–464). So the success of the argument did not depend on whether the argument was correct, true, and supported by facts, but on how well it was presented, and how convincing the performance was thanks to all the rhetorical techniques that the sophists used. However, we should keep in mind that the model of double argumentation is not a novelty, but what is new, and what the sophists introduced is that one and the same speaker expresses opposing arguments within one complex argument (Kerfed 1981, 84).

There are interpretations that Protagoras, when he spoke of making a weaker argument stronger, had the technique of argument reversal in mind, by which incriminating circumstances are reframed as grounds for justification, and advantageous conditions are transformed into elements of reproach (De Romilly 2002, 78–79). This new approach, introduced by the sophists, that the same thing could be defended from two different points of view, brought into question the truth, which no longer played any role, and everything could be proven or denied. For this reason, this type of argumentation was called sophistry, and thus, success gained more importance instead of truth (De Romilly 2002, 82). However, the note introduces critical reinterpretation: in practice, this method no longer preserves a genuine balance between thesis and antithesis. Instead, there is only a thesis that absorbs and distorts its opposite. What appears as a confrontation of arguments becomes

a technique for reshaping opposition into a weakened or “corrupted” version that ultimately reinforces the original position. Thus, sophistic argumentation worked as a strategy that transforms disagreement into rhetorical dominance rather than true dialectical resolution.

Aristotle also speaks about this type of sophistic argument in *Rhetoric*, saying: “For if a man is not likely to be guilty of what he is accused of, for instance if, being weak, he is accused of assault and battery, his defence will be that the crime is not probable; but if he is likely to be guilty, for instance, if he is strong, it may be argued again that the crime is not probable, for the very reason that it was bound to appear so [...] Here, both the alternatives appear equally probable, but the one is really so, the other not probable absolutely, but only in the conditions mentioned. And this is what ‘making the worse appear the better argument’? means. Wherefore men were justly disgusted with the promise of Protagoras; for it is a lie, not a real but an apparent probability, not found in any art except Rhetoric and Sophistic” (Aristotle 1926, 335). It shows how misleading arguments can seem valid by shifting perspectives. A claim may first be treated as true in general, and then as true only in a specific case, which creates confusion. In dialectics, this happens when wordplay makes something seem knowable or true by redefining it. In rhetoric, the same trick produces a persuasive but flawed argument by presenting something as generally likely when it is only likely in certain situations.

Best examples for this type of argumentation can be found in the rhetorical declamations of the time, such as Gorgias’ *Encomium of Helen* and the *Palamedes*. These two texts are an excellent example of double argumentation, pro and contra, which were best used in court cases. Such declamations were also excellent exercises for students who learned how to defend any point of view and win the debate if they managed to master argumentation techniques. Gorgias in the *Encomium of Helen* uses argumentation that involves multiple scenarios and possibilities. In order to prove her innocence, he offers multiple justifications, or arguments in her defense. She followed Paris because of a fate determined by the gods, or she was taken by force, so that she is not solely responsible for what happened. This work begins by emphasizing the intention to show the truth, but it is evident that the logos wins by using deception, which shows that persuasion played a key role. Kerferd concludes that: “for Gorgias the sole way in which persuasion operates upon opinion is by deception” (Kerferd 1981, 80).

INFLUENCE ON TODAY'S POLITICAL RHETORIC

It is important to note that sophists were not just manipulators and skeptics, nor were they opportunists, but they used all the possibilities of democracy to act as mediators between theory and practice, developing a radical new democratic discourse called rhetoric (Crick 2010, 41). Sophistic claim that what may be beneficial for some may also bring harm to others expresses a rejection of universally valid moral goods. Mielczarski mentions the hypothesis that the foundations of European pragmatism, utilitarianism, and ethical conventionalism were laid by the sophists, guided by the principle that man is the measure of all things (Mielczarski 2018, 149). This principle is very individualistic, as are modern democratic societies. Sophists evaluated ideas and actions primarily by their effects and usefulness rather than by appeal to absolute truths or natural moral laws. This relativistic approach, reinforced by sophists, allowed for the coexistence of different and mutually opposed viewpoints, which was later transferred to modern democratic societies, an aspect best visible in party pluralism. Therefore, the legacy of sophistic thought extends beyond its historical context and can be observed in contemporary political practices, which heavily rely on persuasive discourse.

Even today, politicians use rhetorical methods that were advanced by the sophists, and they remain a significant part of political discourse due to the need to be persuasive to the audience (Roe-Crines 2025, 119). Mielczarski concluded that the twentieth century brought a change in the view of persuasion, which until then was mainly perceived as a skill with a negative connotation, and today it is increasingly studied and used for various purposes (Mielczarski 2018, 152). So there is a tendency to return to the foundations laid by the sophists. Democratic discourse is based more on opinions and beliefs, which are shared by certain political, social, and economic groups (Mielczarski 2018, 160). This renewed interest in the sophistic model of persuasion is not only theoretical, but can be observed in the techniques through which political speech is composed and delivered. Especially in today's digital world where information has never been more accessible, but also highly manipulated the relevance of the sophistic techniques is evident. Political messaging is adapted to the audience in a manner that relies more on narratives that evoke an emotional response, using simple vocabulary, often of a dramatic nature.

Moreover, Isocrates discusses the composition of sophistic speeches in his speech *Against the Sophists*. It is evident that they used commonplaces or model speeches, which functioned as modular components from which an oration could be assembled. The act of composition itself was frequently improvised, with the speaker relying on memorized material, commonplaces, which shows the influence of the manner in which oral poetry is composed through themes and formulae (Kennedy 1963, 53). Modern political rhetoric operates according to a very similar logic. Contemporary politicians rely on using points, slogans, narrative frames, and rehearsed anecdotes that function as rhetorical modules. In debates, interviews, and crisis situations, speeches are often semi-improvised, constructed from prelearned ideological commonplaces rather than truth-based arguments. Like sophists, modern politicians draw on shared themes, like security, freedom, crisis, that audiences already recognize. This continuity shows that political persuasion, ancient and modern alike, privileges performative flexibility and mnemonic repertoires over systematic argumentation or truth claims.

Analyzing the different styles of speech in Thucydides, some authors have established a significant stylistic contribution of the sophists; he mentions three stylistic devices that appeared at the end of the fifth century, which are the careful choice of words, use of neuter forms, and opposites or antitheses. These are elements that are specific to sophists. The emergence of varied forms of antithesis reflects rival approaches to understanding opposition, a central concern in early Greek philosophy. Creative uses of antithesis appear not only in sophistic fragments but also in the surviving fragments and writings of the Presocratics, Isocrates, and Plato (Schiappa 2013, 72). Gorgias's penchant for antitheses can be explained as: "a direct reflection of his belief that truth is relative and requires the clear expression of contrasts and alternatives as the basis of definition and choice" (Kennedy 1963, 65). In democracies, political rhetoric similarly operates through structured oppositions (offering alternatives), using antitheses, as competing actors advance different narratives to frame political reality and form a public opinion. Within this framework, the notion of the "other" emerges as a recurring rhetorical strategy, particularly in the context of East-West political dichotomies, where the East has often been portrayed as inferior by the West. The need for an enemy is one of the most important elements in order to maintain political power.

Moreover, the sophistic stylistic features map quite closely onto dominant patterns in contemporary political rhetoric, especially in media-oriented democracies. First, the *careful choice of words* corresponds to today's emphasis on framing. Modern political actors strategically select terms ("freedom fighter" vs. "terrorist," "reform" vs. "cuts") to shape perception rather than to describe an objective reality. As with the sophistic diction, language functions not so much as a carrier of truth and more as an instrument for producing desired opinion. Second, the use of *neuter or abstract forms* parallels the prevalence of vague, depersonalized concepts. These abstractions allow speakers to avoid precise commitments while still mobilizing affect and consensus, similarly to how sophists did with their speeches. Most importantly, *antithesis and oppositional framing* remain central. Contemporary political discourse thrives on binary oppositions, us/them, progress/decline, freedom/control, which structure choice by dramatizing conflict rather than resolving it. This reflects the same agonistic logic seen in the sophist, which used persuasion to sharply stage alternatives, and not to establish stable truths. Yet these formal and stylistic strategies achieve their full persuasive effect by activating the emotions of the audience.

Kennedy is of the opinion that Gorgias very much recognized the persuasive force of emotion, considering the speaker as a psychagogos, which intoxicates the souls of the audience as if with some kind of incantation. Emotion played a major role in rhetoric, perhaps even a key role, in eliciting different reactions from listeners. Segal states that: "Successful persuasion, in other words, works through the aesthetic process of terpsis and the emotions connected with it" (Segal 1962, 122). This is precisely the true power of sophistic persuasion, because it focuses on emotions, not on reason. Exactly for that reason, it can be concluded that sophistic rhetoric is also a problem for democracy since it is often used in a manipulative way, but it is hard to imagine democratic political rhetoric without it because, in its essence, it is agonistic (hence based on antitheses), since there is more than one actor.

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КРИТИЧКИ ОСВРТ СОФИСТИЧКИХ МОДЕЛА ПЕРСУАЗИЈЕ У ПОГЛЕДУ ЊИХОВА ЗНАЧАЈА И УТИЦАЈА НА САВРЕМЕНУ ПОЛИТИЧКУ РЕТОРИКУ***

Резиме

У раду је обрађен преглед софистичких модела персуазије, њихов значај и утицај на каснији развој политичког говорништва. Софисти, који су дјеловали у 5. стољећу прије нове ере, стекли су углавном негативну перцепцију, која се пренијела и до данашњих дана. Они су наметали ставове који су били ослоњени на различита мњења која су имала одређену функцију у политичком контексту, те се стога њихове тактике аргументације не базирају нужно на истини, но то не мора значити да су оне искључиво негативне. Иако постоје различити погледи на улогу и перцепцију софиста, као и на њихове циљеве, несумњиво је да је њихово наслеђе и даље видљиво у реторици. Приказане су технике и приступ, којим су се служили софисти у својим говорима и приликом поучавања. Двије су битне карактеристике софистичке реторике, а то су каиротско и докастичко увјеравање. Каиротска или временска персуазија се води начелом да је вријеме моћ и од кључног је значаја изрећи нешто у погодном тренутку, притом водећи рачуна да је оно што се говори прикладно, те одговара на тренутне практичне потребе. То упућује на чињеницу да су софистички говори били пажљиво формулирани те су имали своју структуру, као што данас имају и политички говори, поготово они који се одржавају у вријеме

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политичких криза, али и борби за превласт. Агонистички елемент је дио и софистичких говора, у којима се наглашава стратешка конфронтација, вербално натјечање и способност побједе у јавним споровима. Кад је ријеч о доксастичкој персуазији, софистима је истина била флуидни појам, а превагу је имало мњење. Чувена је Протагорина изјава да је човјек мјера свих ствари, што и истини даје индивидуалистички карактер, који је самим тиме и различит. Због тога се и софистичка дупла аргументација, која почива на тези учинити слабији аргумент јачим, уклапа у такво гледиште, које говори да се истој ствари може приступити и *pro* и *contra*. Зато таква аргументација не почива на логици, него на умијећу говорења, те побуђивања емоционалне реакције код публике. Закључно, софистичку реторику не треба схватити као пуку манипулацију, већ као формативни модел демократског увјеравања утемељен на прагматизму, релативности и емоционалности. Дајући предност учинковитости, прилагодљивости и ангажману публике над апсолутном истином, софисти су успоставили обрасце који и даље обликују модерни политички дискурс.

Кључне ријечи: софисти, реторика, персуазија, политичка реторика, Протагора, Горгија, софистичка аргументација

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SYSTEMIC AND CULTURAL PROTECTION OF PRIVACY IN SERBIA: TOWARDS A COMPREHENSIVE LAW IN A TRANSITIONAL CONTEXT

Abstract

This paper examines the normative, institutional, and cultural framework for privacy protection in the Republic of Serbia, focusing on the challenges of artificial intelligence and digital transformation. The core assumption is that current regulation fails to provide comprehensive and sustainable protection of privacy as a fundamental right. The methodology relies on normative, comparative, and critical analysis of constitutional provisions, legislation, institutional reports, and practice. Results reveal legal fragmentation, weak implementation, and limited public and institutional awareness. The conclusion emphasises the need for constitutional reform, the adoption of a systemic privacy law, and the development of cultural infrastructure to protect digital dignity.

Keywords: privacy, human rights, digital dignity, cultural awareness, transitional context

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INTRODUCTORY CONSIDERATIONS

The concept of privacy is rooted in profound legal and cultural traditions. In American legal theory, privacy was initially defined as “the right to be left alone” (Warren and Brandeis 1890), laying the foundation for its institutional protection. In contrast, Eastern European and Balkan states, including Serbia, developed within authoritarian systems in which privacy was frequently subordinated to broader ideological imperatives. In continental legal systems, privacy evolved through the doctrine of spheres – intimate, personal, and public – where the protection of dignity and autonomy over one’s individual life formed its conceptual core. The security of personal data constitutes only one aspect of this broader framework, which also encompasses physical, communicational, and psychological autonomy (Westin 1967).

During the post-socialist transition, the approach to human rights in Serbia gradually shifted, yet privacy did not attain a stable normative status or sufficient social embeddedness. It remains a peripheral theme in public discourse and collective perception, underscoring the need to reevaluate cultural patterns – particularly in the context of democratic consolidation.

The contemporary digital environment introduces new challenges. Privacy is no longer confined to the protection of personal data but also includes spatial autonomy, confidentiality of communication, psychological security, and protection against algorithmic surveillance, shaming, and reputational harm (Solove 2007, 126–129; Zuboff 2019, 212–215). In Serbia, the legacy of socialist governance, the political instrumentalisation of the media, and the dominance of tabloid culture contribute to perceptions of privacy as an obstacle to public interest rather than a fundamental human right.

The Constitution of the Republic of Serbia contains several provisions related to privacy – namely, the inviolability of the home (Art. 40), secrecy of communication (Art. 41), personal data protection (Art. 42), and human dignity (Art. 19) – but lacks a unified formulation that defines privacy as an autonomous and indivisible right (Ustav Republike Srbije 2006). This normative gap hinders judicial implementation and institutional response, particularly in contexts involving digital processing, media intrusions, and low legal predictability (Matić 2025).

The methodological framework is based on the analysis of normative materials, comparative constitutional review, institutional

evaluation, and cultural interpretation of social attitudes. The applied methods include normative analysis (*lex lata* and *lex ferenda*), sociological interpretation of legal practice, and comparative examination of constitutional and legislative structures. The research relies on both primary and secondary sources – domestic legislation, oversight body reports, relevant judgments from the European Court of Human Rights, and scholarly literature from legal, sociological, and technology ethics domains. This interdisciplinary approach enables an understanding of privacy not solely as a legal category but also as a cultural and political construct (EU AFRCE 2018).

This paper aims to provide an analytical overview of the normative, institutional, and cultural framework of privacy protection in Serbia, with particular attention to the challenges posed by digital transformation and the application of artificial intelligence. The key research question is whether Serbia should adopt a systemic Privacy Law that consolidates fragmented regulations, aligns them with Article 8 of the European Convention on Human Rights (Council of Europe 1950), and ensures sustainable protection of citizens' digital dignity.

FRAGMENTATION OF LEGAL PRIVACY PROTECTION IN SERBIA

In the digital era, the right to privacy is increasingly reduced to the regulation of personal data processing. However, it comprises a much broader domain – including autonomy over individual life, spatial and communicational integrity, psychological security, and protection against algorithmic surveillance (Matić 2024a). In the Republic of Serbia, the legal framework remains fragmented and operationally uncoordinated, lacking a comprehensive law that incorporates the essential dimensions of privacy. Although the Constitution outlines fragmented safeguards – personal integrity (Art. 25), inviolability of the home (Art. 40), secrecy of communication (Art. 41), and personal data protection (Art. 42) – these provisions function mainly as declarative guarantees, without effective judicial enforcement or integration with subordinate regulations (Ustav Republike Srbije 2006). The 2018 Law on Personal Data Protection, harmonised with the GDPR, focuses on institutional data processing, leaving other privacy violations – such as media harassment and digital intrusion – beyond its scope (Zakon o zaštiti podataka o ličnosti 2018).

The Criminal Code contains provisions on privacy infringements (Arts. 146–148), yet they are applied infrequently and inconsistently. According to the Ministry of Justice (2023), only 19 proceedings were initiated for unlawful data processing, and there were no final rulings in media-related cases. This institutional inertia contributes to legal passivity: citizens are left to rely on individual effort, without systemic support or predictability of outcome (Matić 2024b).

In the digital environment, problems are further intensified. Corporations and platforms utilise personalised models based on big data, often without substantive consent. Although formal informed consent is required, it is typically reduced to non-transparent, impractical clauses – unreadable, standardised, and lacking real choice or refusal options (Zuboff 2019, 270–274; Stojković 2021, 84).

Oversight institutions – primarily the *Commissioner for Information of Public Importance and Personal Data Protection* – operate under constrained resources and limited mandates. In 2022, of 612 privacy-related complaints, only 23% led to corrective measures (Poverenik za informacije od javnog značaja 2023, 17). Unlawful data processing, online coercion, and data manipulation remain widespread, while enforcement mechanisms are seldom activated. The *Protector of Citizens (Ombudsman)* intervenes in cases of constitutional violations committed by public authorities. In contrast, the *Commissioner for the Protection of Equality* acts only when privacy breaches serve as a means of discrimination.

In conclusion, although privacy is recognised de jure, its realisation de facto remains restricted. A transparent and systematically conceived legal framework is needed to overcome fragmentation, ease the burden of proof, and provide accessible and adequate protection in line with Article 8 of the European Convention on Human Rights (Council of Europe 1950, Art. 8).

LEGAL AMBIGUITY AND LIMITED PRIVACY PROTECTION MECHANISMS

The Constitution of the Republic of Serbia does not conceptualise privacy as an autonomous and indivisible right; instead, it addresses its individual components – dignity, personal integrity, confidentiality of communications, and data protection – in a segmented manner (Ustav Republike Srbije 2006). This fragmentation produces normative

ambiguity and undermines legal enforceability, particularly within digital and media contexts (Matić 2025). Although the Constitutional Court holds competence to assess constitutionality and adjudicate constitutional complaints, its jurisprudence in matters of privacy remains scarce and underdeveloped.

Article 8 of the European Convention on Human Rights (Council of Europe 1950) ensures comprehensive protection of private and family life. The Venice Commission, in 2007, identified a misalignment between Serbia's constitutional architecture and European standards – an inconsistency later substantiated through judgments of the European Court of Human Rights against Serbia in cases involving media exposure and unauthorised data processing (Venice Commission 2007, 5).

Although criminal, civil, and administrative mechanisms are available, their application is inconsistent. In 2022, only 27 criminal complaints were filed under Articles 146–148 of the Criminal Code, with no final convictions in cases involving the media (Ministry of Justice 2023, 8). Civil litigation for non-material damages remains theoretically accessible, but procedural complexity and prohibitive costs render it largely unattainable. Institutional dispersion and limited operational capacity further obstruct meaningful protection (Matić 2024b).

The 2018 Law on Personal Data Protection (*Zakon o zaštiti podataka o ličnosti* 2018), aligned with the GDPR, emphasises procedural and technical aspects of data processing but neglects broader privacy violations. Only 24% of complaints submitted to the Commissioner result in corrective measures, with the institution operating under constrained resources and capacities (Poverenik za informacije od javnog značaja 2023, 17; Stojković 2021, 82). While civil action is permitted, it is pursued infrequently – fewer than ten cases annually.

The Protector of Citizens (*Ombudsman*) acts in cases of constitutional violations committed by public authorities but lacks jurisdiction over the media and the judiciary, thereby restricting the institution's scope (Zaštitnik građana 2025). The Commissioner for the Protection of Equality intervenes only when privacy violations function as instruments of discrimination – for instance, in the dissemination of intimate data intended to humiliate marginalised groups (Poverenik za zaštitu ravnopravnosti 2025).

A further institutional deficit is the absence of a *habeas data* mechanism, which would grant individuals active control over their personal sphere, including access, correction, and restriction of data

processing (Matić 2024a). Widely adopted in France, Germany, Spain, and Argentina, this legal instrument provides enhanced privacy safeguards vis-à-vis institutions and technological platforms. Serbia's omission of such a mechanism reflects a conceptual gap: privacy remains confined to data regulation rather than being approached as an integrated domain encompassing digital identity, communicative autonomy, and informational self-defence (Matić 2025).

Regional practices confirm that neighbouring countries likewise fall short of treating privacy as a systemic right. Slovenia's Constitution guarantees the inviolability of privacy (Ustav Republike Slovenije 1991), with the Information Commissioner holding a stable institutional mandate and developed complaint pathways (Informacijski pooblaščenec 2023). Croatia's Constitution protects personal data (Ustav Republike Hrvatske 2014), and the GDPR Implementation Act introduces a *habeas data* mechanism – yet an integrated definition of privacy remains absent (AZOP 2024). In Montenegro and North Macedonia, privacy is regulated indirectly through data legislation, amid limited institutional resources and uneven enforcement, especially in digital contexts.

Serbia shares structural vulnerabilities with Montenegro and North Macedonia: a lack of constitutional articulation of privacy, reliance on technical regulatory frameworks, insufficient judicial practice, and limited institutional capacity. While Slovenia and Croatia offer more functional models of data protection, neither state defines privacy as an indivisible, legally embedded right. This regional deficiency underscores the need for conceptual renewal within the legal systems of post-socialist societies.

In summary, Serbia faces three foundational obstacles: normative regulation absent effective implementation, institutional incoherence, and prevailing sociocultural apathy toward privacy. Without constitutional amendment, comprehensive legislation, and robust interinstitutional coordination, privacy remains a formal entitlement – substantively unreachable. Establishing a legal and cultural framework in which privacy stands as equal to freedom of expression and the right to human dignity is a prerequisite for its genuine protection in the contemporary era.

CULTURAL AND LEGAL PRACTICES OF PRIVACY IN SERBIA

Despite constitutional and statutory guarantees – such as the inviolability of the home, the secrecy of communications, and the protection of personal data – privacy in Serbia has yet to become a firmly embedded social value. A clear gap persists between normative guarantees and cultural perceptions. Citizens often overlook privacy violations as legally actionable, while institutional responses remain ad hoc and uneven (Stojković 2021, 9).

In sociocultural practice, privacy is seldom framed as a sphere of individual self-determination. Everyday behaviours such as commenting on private choices, posing intimate questions at the workplace, using personal photographs without consent, or expecting perpetual online availability tend to elicit little societal resistance.

The media further reinforces the normalisation of privacy violations. Tabloid coverage encourages the publicising of intimate details about public figures and their families, while reality programming systematically nullifies privacy as a social norm. This type of communication blurs the boundary between public and private, promoting publicising intimacy as a mode of social engagement (Čolović 2014, 117–121). The normative deficit is reflected in the symbolic value system, where privacy is denied the standing of a moral entitlement and remains relegated to a marginal legal category – especially within digital and media exposure contexts.

This cultural disembeddedness manifests in legal practice. Judicial remedies tend to be proceduralistic and delayed. Cases involving offences such as unauthorised photography or unlawful information gathering are rarely pursued, and judgments awarding non-material damages for privacy violations are exceptionally rare. Institutions often treat privacy as a subsidiary issue within broader legal domains – such as reputation, family relations, or security – suggesting that it is not recognised as a distinct legal interest (Antonić 2013, 201).

The notion of privacy was introduced into Serbian legal discourse primarily through the implementation of international instruments such as the European Convention on Human Rights and the GDPR, yet without deeper normative internalisation or cultural adaptation. In contrast to democratic societies where individuals actively manage their personal data and digital identity, in Serbia, the notion of personal digital

space remains poorly understood and insufficiently regulated (Matić 2024a).

Neither the media, institutions, nor the general public operates under the premise that every individual possesses an inviolable zone of privacy requiring protection, irrespective of public status or security concerns. Privacy remains relegated to the periphery, rather than upheld as a pillar of personal freedom, dignity, and self-governance.

PROPOSALS FOR ENHANCING THE CULTURE AND LEGAL PROTECTION OF PRIVACY IN SERBIA

As privacy in Serbia remains far from firmly entrenched as a legal and cultural norm, a multidisciplinary approach is essential – one that integrates educational reform, institutional development, and normative clarification. Privacy surpasses the technical realm of data protection; it includes human dignity, intimacy, communicative control, and the right to digital withdrawal (Stojković 2021, 9). The first step is raising public awareness. Media and educational campaigns should affirm privacy as a fundamental right in the digital age. Topics such as informed consent, digital security, and personal information management must become integral to both formal and informal education, with particular emphasis on youth and online environments.

At the institutional level, the mandates of the Commissioner for Information and the Protector of Citizens (*Ombudsman*) should be expanded, and specialised units within law enforcement and prosecutorial bodies should be established to address digital privacy violations. Systematic government–civil society collaboration should be institutionalised, especially for vulnerable groups. Normatively, Serbia must adopt either a comprehensive Privacy Act or a National Strategy that consolidates existing legislation, harmonises it with EU standards, and adapts it to the local context. Legal concepts such as “informed consent,” “surveillance,” and “automated decision-making” must be clearly defined. Public institutions and private entities should be legally obliged to publish transparent privacy policies – thus reinforcing legal predictability and citizen trust.

Regulation unsupported by cultural change remains hollow. The adoption of ethical codes and media self-regulation that prohibit unauthorised disclosure of private content is a prerequisite for normative transformation. Continued support for research, civil society initiatives,

and public debate on digital rights, the right to be forgotten, and the protection of personal autonomy is vital.

Privacy must be affirmed as a democratic value, on par with freedom of expression and minority rights. Without this cultural foundation and institutional support, legal protections remain isolated and superficial. Strategic education, institutional synergy, and internalised public awareness constitute the core pillars for establishing a sustainable framework for protecting digital dignity.

INFORMATIONAL PRIVACY AND AI CHALLENGES IN SERBIA

Digital transformation has redefined informational privacy, which now extends beyond institutional data processing to encompass algorithmic governance, digital identity, and rights to spatial and communicational autonomy. As a complex right, it is inherently tied to personal liberty and human dignity. However, privacy is increasingly reduced to technical regulation. At the same time, artificial intelligence (AI), as a systemic tool of mass data processing, exacerbates protection challenges – particularly in Serbia, where institutional structures remain underdeveloped (European Commission 2021, 3).

Informational privacy entails individual control over the collection, storage, use, and sharing of digital footprints. AI introduces risks such as automated profiling, behavioural analysis, emotion recognition, and automated decision-making, potentially leading to AI-driven discrimination, mass surveillance, and infringement of fundamental rights (Zuboff, 2019, 272–275).

In Serbia, these concerns have only recently entered legal and public discourse. The 2018 Personal Data Protection Law, though harmonised with the GDPR, does not explicitly regulate AI practices such as profiling or emotional analytics, leaving room for non-transparent processing with limited oversight. The Commissioner for Information lacks the technical instruments required for algorithmic transparency assessments, and interdisciplinary collaboration between legal, ethical, and technological institutions remains absent.

Low digital literacy undermines individual safeguards (Savić 2020, 81–83). Most citizens lack familiarity with digital processing mechanisms and related rights, while the concept of algorithmic governance remains abstract in public debate.

In such a landscape, AI poses threats to legal certainty and compromises human dignity. Robust regulation should situate data processing within a privacy-rights framework, mandating rights-based impact assessments, human supervisory obligations, and algorithmic transparency.

Simultaneously, ethical AI frameworks should codify standards for use in both the public and private sectors, grounded in principles of responsibility, intervention, and accessibility (Jobin, Ienca, and Vayena 2019, 390). Establishing independent bodies for algorithm audits and the suspension of high-risk systems, alongside sustained public education, will form the backbone of digital safety. Promoting literacy in legal, technological, and ethical dimensions must become a strategic priority. Societal understanding of AI's consequences will help ensure that technology remains subject to human values.

Although constitutional and legal provisions reference various aspects of the privacy framework, privacy is not recognised as a unified right. This gap impairs systematic responses to violations. As early as 2007, the Venice Commission recommended aligning Serbia's constitutional framework with Article 8 of the European Convention on Human Rights (Venice Commission 2007, 4). A constitutional overhaul and comprehensive privacy legislation must cover communicational, spatial, psychological, digital, and algorithmic dimensions. Only through such reform can Serbia cultivate an environment where individuals govern their identity, personal data, and digital presence – affirming privacy as a cornerstone of liberty, dignity, and autonomy in the 21st century.

CONCLUDING REFLECTIONS

This research confirms that privacy in Serbia constitutes a complex legal and cultural challenge requiring interdisciplinary solutions. Despite constitutional and statutory guarantees (e.g., the inviolability of the home, the confidentiality of communication, and the protection of personal data), the normative framework remains fragmented. The lack of constitutional recognition of privacy as an autonomous and indivisible right hinders its enforcement, especially in the digital sphere.

Reforms must include constitutional changes and a comprehensive privacy law regulating the physical, communicational, spatial, psychological, digital, and algorithmic aspects of privacy. Such an

approach would allow citizens to exercise control over their personal data and digital identity while ensuring alignment with European and international standards.

AI exacerbates privacy risks through mass data processing, opaque algorithms, and structural asymmetries in digital rights – calling for ethical and legal frameworks that provide transparency, accountability, and protect digital dignity (Zuboff 2019, 278–280; European Commission 2021, 5). Based on the conducted analysis, five key recommendations have been identified for building a sustainable privacy protection model:

1. Constitutional recognition of privacy as an indivisible and autonomous right, in accordance with Article 8 of the European Convention on Human Rights;
2. Adoption of a comprehensive privacy law with clearly defined protection and oversight mechanisms;
3. Promotion of cultural transformation through educational policy, media accountability, and civil society engagement;
4. Regulation of AI applications, ensuring algorithmic transparency and the preservation of human oversight;
5. Strengthening institutional coordination and intersectoral cooperation among relevant actors.

For privacy to evolve from rhetoric to reality, Serbia must implement these foundations. Without adequate legislation, education, and infrastructure, privacy will remain insufficiently protected – while its neglect continues to erode the pillars of freedom, dignity, and democratic order.

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СИСТЕМСКА И КУЛТУРНА ЗАШТИТА ПРИВАТНОСТИ У СРБИЈИ: КА СВЕОБХВАТНОМ ЗАКОНУ У ТРАНЗИЦИОНОМ КОНТЕКСТУ

Резиме

Овај рад испитује нормативни, институционални и културни оквир за заштиту приватности у Републици Србији, фокусирајући се на изазове вештачке интелигенције и дигиталне трансформације. Основна претпоставка је да тренутна регулатива не пружа свеобухватну и одрживу заштиту приватности као основног права. Методологија се ослања на нормативну, упоредну и критичку анализу уставних одредби, законодавства, институционалних извештаја и праксе. Резултати откривају правну фрагментацију, слабу примену и ограничену јавну и институционалну свест. Закључак наглашава потребу за уставном реформом, усвајањем системског закона о приватности и развојем културне инфраструктуре ради заштите дигиталног достојанства.

Кључне речи: приватност, људска права, дигитално достојанство, културна свест, транзициони контекст

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THE DISCOURSE OF THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA AFTER THE COLD WAR****

Abstract

The paper analyses the United States' approach to national security after the Cold War. The research is primarily conducted through an analysis of U.S. national security strategy documents from 1991 to 2025. The authors discuss the U.S. national security strategy document

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in the first part of the paper, as it originated in the United States. The second part of the paper analyses American strategies after the Cold War, from President George H. W. Bush in 1991 to President Joseph Biden in 2022. A special section is devoted to the analysis of the most recent U.S. National Security Strategy, published by the Trump administration in 2025. By applying the comparative method, content analysis, and the case study method, the authors reach the following conclusion: Politics is dominant, because interests rule the world, but strategy answers the question – how? All U.S. national security strategies after the Cold War are directed toward global leadership and/or U.S. hegemony; what differs is the discourse of presidential administrations within them and their conduct in practice.

Keywords: Cold War, National Security Strategy, USA

INTRODUCTION

There are different views on the duration of the Cold War, but Charles Kegley's position, which spans 1945 to 1991 (Kegli i Vitkof 2006), is most commonly cited. The dominant processes, especially in Europe, at the end of the Cold War had both disintegration and integration characteristics. The most significant disintegration processes were the dissolution of the Warsaw Pact, the military bloc of the socialist countries of Europe, and the collapse of the USSR, the world's largest state. Significant integration processes at the end of the Cold War included the reunification of Germany, the formation of the European Union, and the survival of NATO as the world's most substantial military bloc, led by the United States.

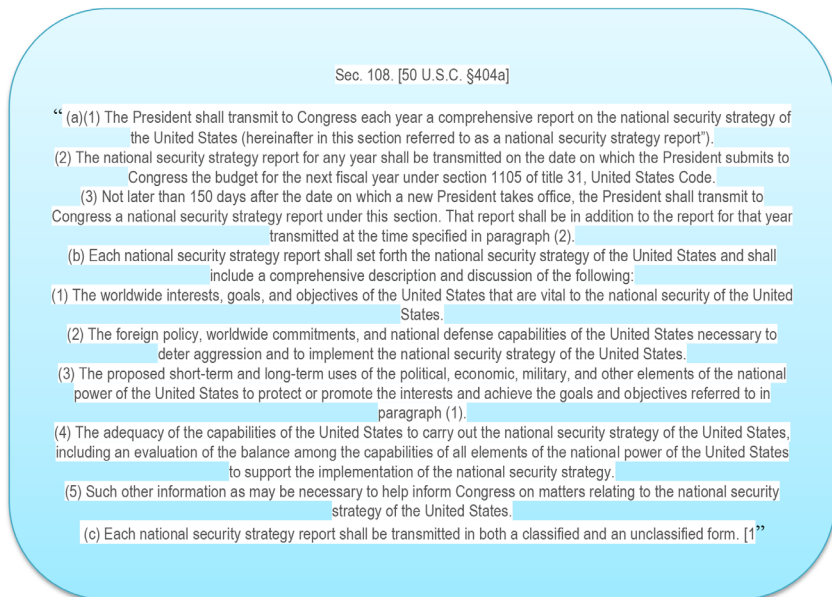
The United States viewed its position as the "winner" of the Cold War as an opportunity to establish a unipolar world order with its own dominance (leadership/hegemony). To that end, among other things, the United States succeeded in preserving NATO, primarily as a lever of its own military power.

The U.S. approach to national security is primarily expressed in the document known as the National Security Strategy, which first appeared in the United States. The analysis of national security strategies provides the most precise American position on issues of its own (national) security and global security.

ON THE U.S. NATIONAL SECURITY STRATEGY

In theory, there are different views on the emergence of the document titled “National Security Strategy” (Milojević, Milašinović, i Milojković 2025). Thus, Keković and Dimitrijević (Keković i Dimitrijević 2017) argue that this document appeared in the United States during the presidency of Ronald Reagan in 1987. However, the term “national security strategy” appeared in the United States as early as 1947 in the National Security Act (United States Congress 1947). Specifically, Article 108 of the said Act (Figure 1) established the obligation of the President of the United States, no later than 150 days after taking office, to submit to Congress an Annual National Security Strategy Report.

Figure 1: National Security Act of 1947



Source: United States Congress 1947

From Figure 1, it can be observed that Article 108 of the National Security Act also established the general structure of the strategy, as well as the obligation to submit it to Congress both with a classification marking (classified) and without such a marking (unclassified). This remains the case today: the U.S. national security strategies that we find

on the Internet are, in fact, of an unclassified character, that is, available to the broadest global public.

President Harry Truman submitted the first Annual National Security Strategy Report in 1950 (Forca 2021a). However, subsequent U.S. presidents discontinued the obligation under Article 108 of the National Security Act (United States Congress 1947). In this regard, the obligation of the President of the United States was renewed by the 1986 Act (United States Congress 1986), and President Ronald Reagan was the first to publish the National Security Strategy in 1987 (The White House 1987).

Truman's Strategy

The subject of this research is U.S. national security strategies after the Cold War. In the literature, we encounter opposing views on the Truman Doctrine, also known as the Containment Strategy. The term "containment" primarily referred to restraining the USSR's influence and preventing the spread of communism (Gaddis 2005).

According to Thomas Maier, who refers to secret information from the FBI, Churchill visited Washington in 1947 and proposed to then Secretary of State Bridges (Styles Bridges) that he request President Harry Truman to carry out a nuclear strike on the Kremlin, because the USSR would soon do the same to the West once it produced an atomic bomb (Maier 2015). Maier claims that when Churchill returned to the office of Prime Minister of Great Britain in 1951, he no longer mentioned a nuclear attack on the USSR, because the Soviets had tested their atomic bomb in 1949 (Maier 2015). On the other hand, Barišić asserts that the intellectual author of this strategy was George F. Kennan, an American diplomat, political scientist, and historian, but the plan was never officially adopted as an official U.S. document (Barišić 2001). Also, in theory, there are views and claims that Kennan's original strategy differed from the practical implementation initiated by the administration of President Harry Truman (Forca 2025).

The uncertainties surrounding Truman's strategy disappeared in 1975, when the document NSC-68 (National Security Council 1950) was declassified. The document was prepared by the Department of Defence, the State Department, and the CIA and presented to President Truman by the National Security Council on April 14, 1950. It was a draft of the American strategy for the Cold War, which Truman

received with reservations, but the outbreak of the Korean War (1950) accelerated his acceptance of the document. Containment of the USSR and the spread of communism were formulated as U.S. national interests. The main objectives of this strategy were: containment of the USSR; strengthening conventional and nuclear forces; providing financial assistance to Western European countries; and a significant increase in defence expenditures. For example, the military budget increased from 13 to 50 billion dollars annually (National Security Council 1950). With this strategy, the arms race after the Second World War effectively began, and the United States became the world leader in the fight against communism.

U.S. NATIONAL SECURITY STRATEGIES AFTER THE COLD WAR

Since 1987, when President Ronald Reagan submitted the Annual National Security Strategy Report to Congress, U.S. presidents have generally complied with the Act's requirement to submit the report. This practice continued until President George W. Bush, when the principle was adopted that each administration should publish one document during its mandate. Thus, from Ronald Reagan to Donald Trump (1987–2025), 19 papers entitled National Security Strategy were adopted in the United States (United States Congress 1986).

The U.S. National Security Strategy in 1991 was adopted by the administration of President George Bush (senior) in August. Already in the first paragraph of his Introduction to the Strategy, President Bush conveyed to the American nation what Truman had envisioned before him and what all subsequent U.S. presidents would declare in their own way: America as a world leader. Thus, President Bush stated to the nation: "The new world order is not a fact; it is an aspiration – and an opportunity. We have within our reach an extraordinary possibility that several generations have dreamed of – to build a new international system in accordance with our own values. At the same time, old partners and certainties collapse around us" (The White House 1991).

It seems that President Bush was aware of what numerous geopolitical analysts had warned: "the world cannot be ruled from a single centre" (Mearsheimer 2001). Therefore, the United States preserved NATO as a lever of its own military power, which, together with economic strength, provides adequate political power. Namely,

the United States made use of the provisions of Chapter VIII of the UN Charter (Regional Arrangements), according to which the Security Council may, for the purposes of establishing and maintaining peace and security, engage regional organisations in peace operations, since it has no army of its own (United Nations 1945, art. 52 and 53). Although many states resisted granting NATO the status of a regional arrangement by the UN Security Council, this nevertheless occurred. Specifically, in 1992, by Resolution No. 787, the UN Security Council granted the Alliance the status of a regional arrangement (UNSC, S/RES/787(1992)). Thus, from a defensive alliance, NATO became both a security forum and a “world policeman” (Forca *et al.* 2023). The first operations in accordance with the Resolution and the mandate of the UN Security Council were carried out by NATO in 1992, including the blockade of the former SFRY (Forca *et al.* 2023).

In 1993, the administration of President George Bush (senior), in accordance with the newly emerging U.S. and NATO positions, adopted a new National Security Strategy. “The essence of that strategy is best reflected in the national interests defined therein: 1) protection of the United States and its citizens from attack; 2) respect for, strengthening, and expansion of our historical, treaty, and collective defense arrangements; 3) ensuring that no hostile power can dominate or control a region critical to our interests; 4) working to avoid conflict by reducing sources of regional instability and violence, limiting the proliferation of advanced military technology and weapons of mass destruction, and strengthening civil-military institutions while simultaneously reducing the economic burden of military spending” (The White House 1993).

With George Bush (senior), the “three U.S. victories in the 20th century” came to an end: 1) Woodrow Wilson – the First World War, 2) Harry Truman – the Second World War, and 3) George Bush Sr. – the Cold War, as named by Smilja Avramov (Avramov 1997). After George Bush, Bill Clinton came to the helm of the United States, whose administration was very diligent and published seven National Security Strategies during its two terms (Forca 2022a). Clinton’s two terms as President of the United States, about the National Security Strategy, are characterized by at least three aspects: 1) Formal – change of the title of the strategies; 2) Substantive – the U.S. effort to create a unipolar world order using NATO for its own interests; and 3) Preventing the European Union from establishing a common defense.

Formal aspect. All U.S. National Security Strategies, before and after Clinton, bear the identical title: “National Security Strategy of the USA”. During Bill Clinton’s presidency, the strategies were titled as follows: 1) A National Security Strategy of Engagement and Enlargement (The White House 1994, 1995, 1996); 2) A National Security Strategy for a New Century (The White House 1997, 1998, 1999; and 3) A National Security Strategy for a New Age (The White House 2000).

Substance – A unipolar world order through the use of NATO. The U.S. National Security Strategies during Bill Clinton’s presidency were adopted in the period following the dissolution of the Warsaw Pact and the USSR, when Russia was primarily preoccupied with internal issues of combating terrorism and disentangling itself from the former republics of the USSR. In this context, the United States was particularly engaged in strengthening its own position, using NATO as a lever of its military power. The buffer zone (Figure 2) between NATO and Russia, established after the Cold War, that is, following the dissolution of the Warsaw Pact and the collapse of the USSR, began to shrink in favour of the United States and NATO.

Figure 2. Buffer zone at the end of the Cold War



Source: Forca 2003, 243

There are very different accounts of NATO’s eastward enlargement that have emerged over time. Thus, as emphasised by the President of Russia, Vladimir Putin, Western leaders assured the then President of the USSR, Mikhail Gorbachev, that with the reunification of Germany (1990) and its admission into NATO, the Alliance would move “not one

inch eastward” (Putin 2007). However, to strengthen its own capacity to create a unipolar order and to demonstrate to the world who is who, the United States upheld its “promise” to Gorbachev only until 1999. On the 50th anniversary of the Alliance’s founding (1999), the United States took drastic measures that would shape the world’s future. That year, the Alliance held a summit in Washington and adopted the 6th Strategic Concept, with two dangerous objectives that were already in the implementation phase: 1) NATO’s eastward expansion; and 2) engagement of the Alliance beyond Article 5 of the Washington Treaty, with or without a mandate from the UN Security Council (NATO 1999). Thus, at the beginning of 1999, Poland, the Czech Republic, and Hungary were admitted into NATO. On the other hand, on March 24, 1999, without a mandate from the UN Security Council and contrary to Article 5 of the Washington Treaty, NATO carried out aggression against the FR Yugoslavia.

Preventing the EU from establishing a common defence. The European Union was formed under that name in 1992 in Maastricht (Netherlands). However, the integration of European states that would give rise to the EU began as early as 1951, with the establishment of the European Coal and Steel Community. From the very first integration of European states, aspirations have persisted for Europe to establish a common defence, in accordance with Article 51 of the UN Charter. However, all such intentions of European states failed due to the influence of the United States and NATO. In practice, there were two currents in Europe regarding defence. The first, advocated by Germany and France, was a common defence. The second current was led by Great Britain, which maintained that NATO was a sufficient guarantor of defence (Forca *et al.* 2023). After the Cold War, when the EU was formed, NATO also survived, and thus tensions over the Union’s common defence continued, which has never been established. In this regard, one should recall the reasons for NATO’s formation, as described by the Alliance’s first Secretary General, Lord Ismay: 1) to keep Germany under control, 2) to bring America into Europe, and 3) to keep Russia out of Europe (Keković i Dimitrijević 2017, 403).

A special characteristic of the U.S. National Security Strategies during President Bill Clinton’s tenure is the gradation of national interests into vital, meaningful, and humanitarian. We will cite only the position regarding crucial interests from the 2000 strategy: “We divide our national interests into three categories: vital, important, and

humanitarian. Vital interests are those directly related to the survival, security, and vitality of our nation. Among them are the physical security of our territory and that of our allies, the security of our citizens both at home and abroad, protection against the proliferation of weapons of mass destruction, the economic well-being of our society, and the protection of our critical infrastructures – including energy, banking and finance, telecommunications, transportation, water systems, vital human services, and government services – from disruptions aimed at crippling their functioning. We will do whatever is necessary to defend these interests. This may include the use of military force, including unilateral action, where deemed necessary or appropriate” (The White House 2000, 9).

After Bill Clinton, two-term presidencies were held by George Bush Jr., 2000–2008, and Barack Obama, 2008–2016, who are referred to in the literature as “war presidents” (Gaddis 2006). This is because the 16-year period began with the collapse of the myth of U.S. omnipotence, marked by the terrorist attacks of Al-Qaeda against facilities in New York and Washington on September 11, 2001, and continued with America’s and NATO’s increasing rush into wars around the world. After the aggression against the FRY in 1999, the following came next: Afghanistan from 2001 to 2021; the renewed attack on Iraq from 2003 to 2014; the attack on Libya in 2011; the war in Syria, particularly 2011–2014; as well as other interventions. It was an evident attempt by the United States to establish, “at any cost” (by persuasion or by force), a unipolar world order with its own hegemony, but also an indication that a multipolar order was emerging. On this, Joseph Nye writes: “Choosing between nationalism and globalisation is a false choice. The important political decisions of American presidents will come down to where and how the United States should engage. American leadership is not the same as hegemony, domination, or military interventionism. Even during the decades of American preponderance after 1945, there was always a degree of global leadership and influence, and U.S. foreign policy functioned most effectively when presidents understood the importance of multilayered partnership networks with other states. Hegemony (in the sense of control) and global unipolarity underlying American foreign policy after the end of the Cold War have always been illusions” (Naj 2020).

The attack by the United States and its NATO allies on Afghanistan in October 2001 was a swift and fierce response to the aforementioned

terrorist acts of Al-Qaeda. Regarding those attacks, President George Bush Jr., a few days after they occurred, stated: “Only three days after these events, Americans still lack the distance of history. But our responsibility to history is already clear: to answer these attacks and rid the world of evil. War was waged against us by stealth, deception, and murder. This nation is peaceful, but fierce when stirred to anger. The conflict began over the timing and terms set by others. It will end in a way and at an hour of our choosing” (The White House 2002, 5).

As noted above, President Bush’s address to the nation was recorded in the 2002 National Security Strategy. However, Bush’s promise that the war would end “in a way and at an hour of our choosing” lasted 20 years, through the terms of four U.S. presidents, and did not unfold as he had promised. This only leads to the conclusion that the United States did not, in fact, have the goal of destroying Al-Qaeda in Afghanistan, but instead sought to “anchor” itself in that part of Asia among three key adversaries: China to the east, Iran to the west, and Russia to the north. Confirmation of this is that during President Barack Obama’s tenure, the number of American troops in Afghanistan reached 130,000 (Forca 2022b).

The renewed attack on Iraq in 2003 is a blatant example of the use of force by the United States and NATO, without a mandate from the UN Security Council. The attack was carried out based on alleged information that Saddam Hussein was developing weapons of mass destruction. Of course, this later (“belated truths”) proved to be a false pretext of British Prime Minister Tony Blair and U.S. President George W. Bush Jr. On this, Nobel laureate Desmond Tutu stated: “Instead of African leaders lying in prisons, the number of victims in Iraq is quite sufficient for Tony Blair and George Bush to find themselves before the court in The Hague” (Forca 2023b).

In addition to numerous military interventions, with and without (the attack on Iraq, 2003) a UN Security Council mandate, the United States and NATO began to intensify tensions with Russia, primarily through the Alliance’s eastward expansion. The most significant enlargement of NATO occurred in 2004, when the following joined: Estonia, Latvia, Lithuania, Slovakia, Slovenia, Romania, and Bulgaria. Practically, in 2004, by admitting the Baltic states, NATO reached the border with Russia. However, NATO did not stop there; in 2008, it invited Georgia and Ukraine to join the Alliance. This was a turning point in Russia’s attitude toward the Alliance’s expansion. That same

year, 2008, using the already strained interethnic relations in Georgia, Russia militarily attacked the country and recognised its two regions (Abkhazia and South Ossetia) as independent states. The “Kosovo¹ syndrome” began to spread. Regarding Russia’s moves in Georgia, the then Prime Minister of Russia, Vladimir Putin, stated: “From a moral and ethical standpoint, the comparison of the Kosovo precedent with Abkhazia and South Ossetia is fully justified. There is essentially no difference. However, for Russia, it is sufficient that the independence of Abkhazia be recognised by at least one subject of international law” (RTS 2009).

Some analysts, in connection with Russia’s attack on Georgia, expressed the view that the Cold War ended not in 1991 but in 2008 (Forca 2022b). For the geopolitician Alexander Dugin, however, it was a “new Cold War,” that is, a “new bipolarism” (Dugin 2020).

An even more substantial escalation of tensions between the United States and Western countries, including NATO, arose due to the conflict between Russia and Ukraine, which became particularly manifest in 2014. After the violent removal of President Yanukovich and the protests in Kyiv, referred to as the “colour revolution – Maidan” (square), Russia in 2014 secured a referendum in Crimea, where an overwhelming majority of the population voted for the reunification of Crimea with Russia (Wilson 2014). Russia declared Crimea its territory through official documents. This led to even stronger tensions between the West and Russia, under pressure from the United States. However, Putin once again “drew a parallel with Kosovo” and at a press conference in Vienna (2018) emphasised: “Crimea did not declare independence as a result of an attack by the Russian army, but based on the will of the citizens of Crimea expressed in a referendum. If you speak of annexation despite the referendum and the expressed will of the people, then the self-determination of Kosovo should also be called annexation. Why do you not call the self-determination of Kosovo annexation after the NATO attack? You speak of Kosovo’s right to self-determination, and they did so merely by a parliamentary decision. In contrast, the people of Crimea did so in a referendum in which 90% of those living in Crimea participated and voted for reunification with Russia” (Intermagazin 2018).

¹ All references to Kosovo in this document should be understood to be in the context of United Security Council Resolution 1244 (1999).

After the reunification of Crimea with Russia, clashes continued in Ukraine between the pro-Russian population of the country's southeast (Donbas) and the authorities in Kyiv. Open armed conflicts ensued, with casualties on both sides and the mass displacement of the Donbas population to Russia. Russia supported the population of Donbas, and when the situation threatened to spiral out of control, the European Union became involved in the conflict, primarily German Chancellor Angela Merkel (Angela Dorothea Merkel) and French President François Hollande (François Gérard Georges Nicolas Hollande) (Wilson 2014). Thus, ceasefire agreements known as "Minsk 1" and "Minsk 2" were concluded. Given that we otherwise live in a time of belated truths (Forca 2023b), Angela Merkel would only state, after Russia attacked Ukraine in 2022, regarding these agreements: "It was a way of buying time for Ukraine to prepare for war with Russia" (Malić 2022). This statement by Angela Merkel was also confirmed by former French President François Hollande (Orland 2022).

Strong U.S.-NATO interventionism worldwide, as well as conflicts with Russia up to 2016, undermined the European Union's intention to become a "global player," as Javier Solana, High Representative for Foreign and Security Policy, had claimed (Solana 2006). Thus, the Western European Union, which had begun to form before NATO (1948), completely "merged" into the EU (2011); initiatives to form European armed forces failed; and the EU's engagement in peace operations was reduced to sporadic operations of so-called soft power. The EU's Common Security and Defence Policy, as part of the Common Foreign and Security Policy established in the Lisbon Treaty, became a "dead letter on paper" (Forca 2023a). A particular blow to the European Union was delivered by the United Kingdom, which, in a 2016 referendum, voted to leave the Union, in accordance with Article 50 of the Lisbon Treaty. The departure of the United Kingdom from the EU was especially welcomed by the incoming U.S. President, Donald Trump, who, the day before the referendum, stated: "I support a vote for the United Kingdom to leave the EU" (IN4S 2026). On the other hand, NATO Secretary General Jens Stoltenberg warned EU leaders that "by the United Kingdom leaving the Union, 85 per cent of NATO's forces remain outside the EU. Who will defend you from Russia?" (Forca 2022b). Finally, the migration crisis in the EU, particularly since 2014, undermined its foundations and called into question the Union's survival (Mogerini 2016).

A particular manifestation of the emergence of a multipolar world order is the rapid economic rise of China and the development of its “Belt and Road” initiative, especially after 2013. America found itself in severe difficulties due to military engagements around the world, conflicts with Russia, disagreements with the European Union, and the arrival of a new global rival – China.

Under these circumstances, in the 2016 U.S. presidential elections, businessman Donald Trump won. Even well-versed experts in international relations, particularly in security studies, were uncertain how to interpret the statements and announcements of the new American President during the election campaign and after assuming office, particularly his actions in practice.

In his first term (2016–2020), President Trump announced his first National Security Strategy in November 2017. The motto of Trump’s Foreword and of the entire document was – *America First* (The White House 2017). Trump’s strategy, as he himself emphasises in the document, is a strategy of realism. In this sense, Trump underscores: “It is a strategy of dominance that explicitly emphasises realism (the priority of power) in international relations and a ‘world shaped by the United States’” (The White House 2017). Quite directly, unlike his predecessors, Trump identifies two key adversaries (threats): Russia and China. Other security threats Trump merely lists, such as: “1) dictatorial regimes in North Korea and Iran seeking to destabilize the region and threaten U.S. interests and its allies; 2) jihadist terrorists and transnational criminal organizations, particularly ISIS and Al-Qaeda, seeking to harm the United States; 3) although the U.S. military is the strongest in the world, some ‘players’ seek to undermine that power through the development of nuclear weapons (North Korea), as well as actions ‘below the threshold’ of permitted means; 4) the ability to exploit the information space is a particular aspect of the competitive world, especially exploited in the fields of the economy and armed forces” (The White House 2017).

Otherwise, Trump’s 2017 strategy has five main parts, in addition to the Foreword, Introduction, and Conclusion. The first four main parts describe four vital U.S. national interests: “1) Protect the American people, the homeland, and the American way of life; 2) Promote American prosperity; 3) Preserve peace through strength; and 4) Advance American influence in the world. The fifth section of the strategy concerns its regional application. Namely, the document

describes the situation and the influence of Russia and China, then highlights the political, economic, and military activities the United States will undertake” (Forca 2021a).

Formally, Trump withdrew the United States from wars around the world (he also initiated negotiations with the Taliban in Afghanistan, author’s note). Still, he also undertakes very significant steps in line with his slogan – America First:

- “Trump introduces high tariffs on imports of goods from the EU;
- The United States withdraws from the Iran nuclear deal;
- The United States withdraws from the U.S.–Russia INF Treaty (1987), concluded by Reagan and Gorbachev on limiting intermediate- and shorter-range nuclear missiles;
- The United States leaves the UN Human Rights Council;
- Relations toward immigrants, particularly from certain African countries and Mexico, are tightened, and construction of a “wall” toward that neighbouring state begins;
- The United States tightens sanctions against Russia;
- The United States begins a genuine trade war with China;
- The United States demands that all NATO member states increase their defence spending to 2% of GDP, with Trump threatening that otherwise America would leave the Alliance; and
- The United States withdraws from the World Health Organisation” (Forca 2021a).

Despite specific practical successes, Trump lost the 2020 U.S. presidential election to Joseph Biden (Jevtović, Marić, i Milašinović 2025). President Biden’s administration, at the very outset, faces three significant security challenges: 1) the situation in Afghanistan, 2) the expansion of Russian influence, and 3) China’s economic penetration of the world. These problems were attempted to be resolved in the order listed.

Biden continued negotiations with the Taliban regarding the withdrawal of U.S. and allied troops from Afghanistan, which the administration of Donald Trump had initiated. In this regard, it is a fact that American forces, above all, and especially their allies, withdrew disgracefully from Afghanistan after 20 years of conflict in that country. This fact shook relations within the nations of the collective West in 2021. Under such conditions, Biden repeated the slogan from his victorious 2020 election speech – “America is back” (Forca 2023b). Numerous analysts asked – Where has America returned? The answer came very

quickly. Biden's move dispelled Russian assumptions about discord within the West and, quite the contrary, led to its homogenization in support of Ukraine. Since then, the term "collective West" has been used to refer to the United States and its allies. On this, Mearsheimer writes: "When we say the West, we mean the United States, because directives on how Europe will march come from Washington" (Mearsheimer 2023).

Because of the manner of the withdrawal from Afghanistan and problems with allies, the Biden administration delayed adopting a new National Security Strategy in accordance with the law. Therefore, on "March 3, 2021, the White House issued the Interim National Security Strategic Guidance" (Forca 2021b). From that document, we single out the description of the global security environment and the three defined vital national interests of the United States.

The global security environment is described as follows: "1) Many security threats transcend state borders and the only response to them is collective action; 2) Democracies, both in the United States and worldwide, are in crisis; 3) A shift in the distribution of power in the world is underway and a renewal of global competition with China and Russia, as well as with regional threats such as Iran and North Korea; 4) The international order whose creation the United States helped shape – with all its principal institutions, alliances, and agreements – is being tested and placed under great strain; and 5) At the foundation of all these trends lies a technological revolution that has both positive and negative aspects" (Forca 2021b).

Three vital national interests of the United States were identified: "1) protection of the security of the American people; 2) expansion of economic prosperity and opportunity; and 3) realisation and defence of democratic values that lie at the very heart of the American way of life" (Forca 2021b).

At the end of 2021, Russia submitted a new proposal for a security architecture in Europe to the leaders of the United States and NATO. The United States and NATO did not respond to the Russian proposal (Sekulović i Forca 2024). In this context, after extensive preparations and the recognition of the Luhansk People's Republic and the Donetsk People's Republic as independent states, for the purpose of invoking Article 51 of the UN Charter, Russia launched a military attack on Ukraine on February 24, 2022. Russia termed the attack a "special

military operation,” while the UN General Assembly qualified it as aggression (Forca 2025).

The collective West, under strong U.S. influence, sided with Ukraine, leading to an indirect conflict between the West and Russia through Ukraine (a proxy war). Under such conditions, the collective West adopted three strategic documents in 2022, in the following order: 1) the EU Strategic Compass for Security and Defence (Council of the European Union 2022); 2) the NATO Strategic Concept (NATO 2022), June 2022; and 3) the U.S. National Security Strategy (The White House 2022), October 2022. Although adopted in different places and at other times, the three acts are almost identical in identifying the key adversaries – Russia – and, somewhat more moderately, China. Undoubtedly, the documents were dictated by Washington. President Biden stated the guiding principle of these strategic documents in the Foreword to the U.S. Strategy: “Constrain Russia and outcompete China” (The White House 2022). In accordance with this, we present only the key positions on China and Russia from the American strategy:

- “The People’s Republic of China is the only competitor with both the intent to reshape the international order and, increasingly, the economic, diplomatic, military, and technological power to do so. Beijing aspires to establish a key sphere of influence in the Indo-Pacific and to become the world’s leading power.

- Our strategy toward the PRC is threefold: (1) invest in the foundations of our strength at home – our competitiveness, innovation, resilience, and democracy; (2) align our efforts with our networks of allies and partners acting toward common goals; and (3) compete responsibly with the PRC to defend our interests and build our vision for the future;

- We will hold Beijing accountable for abuses – genocide and crimes against humanity in Xinjiang, human rights violations in Tibet, and the dismantling of Hong Kong’s autonomy and freedoms” (The White House 2022).

Over the past decade, the Russian government has pursued an imperialist foreign policy aimed at overturning key elements of the international order. This culminated in the full-scale invasion of Ukraine. However, “this attack did not come out of nowhere; Russia’s 2014 invasion of Ukraine preceded it, its military intervention in Syria, its long-standing efforts to destabilise its neighbours using intelligence and cyber capabilities, and its apparent attempts to undermine internal

democratic processes in countries across Europe, Central Asia, and the wider world. Russia also brazenly interfered in American politics and worked to sow divisions among the American people. Nor have Russia's destabilising actions been limited solely to the international arena" (Mearsheimer 2023).

About containing Russia, first, "the United States will continue to support Ukraine in its fight for freedom; it will assist Ukraine's economic recovery and encourage its regional integration with the European Union. Second, the United States will defend every inch of NATO territory and continue to build and deepen coalitions with allies and partners to prevent Russia from further harming European security, democracy, and institutions. Third, the United States will deter and, if necessary, respond to Russian actions that threaten core U.S. interests, including attacks on American infrastructure and democracy. Fourth, Russia's conventional military will be weakened, likely increasing Moscow's reliance on nuclear weapons in its military planning. The United States will not allow Russia, or any other power, to achieve its objectives through the use or threat of use of nuclear weapons" (The White House 2022).

The administration of Joe Biden embraced the message of Joseph Nye that leadership – not hegemony – is essential, and in its strategy announced strong clusters of its own power through association in various alliances, such as: 1) NATO (including the EU); 2) the Group of Seven – G7 (the United States, the United Kingdom, Canada, Germany, France, Italy, and Japan); 3) the Five Eyes (the United States, the United Kingdom, Canada, Australia, and New Zealand); 4) the Quad (the United States, Japan, India, and Australia); 5) AUKUS (Australia, the United Kingdom, and the United States); 6) I2U2 (India and Israel + the United States and the United Arab Emirates); and 7) C5+1 (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan + the United States) (The White House 2022).

Evidently, the United States is concentrating on what it sees as its greatest real opponent – China – in the Indo-Pacific region. In this sense, the war between Russia and Ukraine will most likely be "left" to the European Union.

THE LATEST STRATEGY OF DONALD TRUMP

In the 2024 U.S. presidential elections, Donald Trump once again won. As in the 2016 campaign and after he first assumed office, Trump has remained faithful to his direct style, making statements that – even to experts in international relations – often seem almost impossible.

Upon taking office, Trump began implementing his intentions immediately. In November 2025, the Trump administration announced the latest U.S. National Security Strategy (The White House 2025). Structurally, the new strategy resembles that of 2017, but with a different priority order. In the 2017 strategy, the key section focused on national interests, while a separate section addressed regional application. In the 2025 strategy, the central part of the document concerns relations toward specific regions (the Western Hemisphere, Asia, Europe, the Middle East, and Africa), to which five vital U.S. national interests are adapted and defined in a described and somewhat unusual manner:

- “We seek to ensure that the Western Hemisphere remains reasonably stable and sufficiently well governed to prevent and discourage mass migration into the United States; we seek a hemisphere whose governments cooperate with us against narco-terrorists, cartels, and other transnational criminal organizations; we seek a hemisphere that remains free from hostile foreign intrusion or ownership of key assets and that supports critical supply chains; and we seek to secure our continued access to key strategic locations. In other words, we will affirm and implement the ‘Trump Corollary’ to the Monroe Doctrine;

- We seek to halt and reverse the ongoing damage that foreign actors inflict upon the American economy, while maintaining a free and open Indo-Pacific, preserving freedom of navigation along all key maritime routes, and sustaining secure and reliable supply chains and access to critical materials;

- We seek to support our allies in preserving the freedom and security of Europe, while at the same time restoring European civilizational self-confidence and Western identity;

- We seek to prevent an adversarial power from dominating the Middle East, its oil and gas reserves, and the chokepoints through which they pass, while avoiding the ‘forever wars’ that have trapped us in that region at high cost; and

- We seek to ensure that American technology and American standards – particularly in artificial intelligence, biotechnology, and

quantum computing – drive the world forward” (The White House 2025).

The openness and directness of Trump’s strategy are also reflected in an admission that the vital interest of American presidents after the Cold War was to rule the world (hegemony). However, they neither knew nor understood that leadership, not hegemony, was essential. Trump states explicitly: “After the end of the Cold War, American foreign policy elites convinced themselves that permanent American dominance over the entire world was in the best interest of our country. Our elites seriously misjudged America’s willingness to carry global burdens indefinitely, which the American people saw as unrelated to the national interest” (The White House 2025, 1).

A personal trait of President Trump is boastfulness. In this regard, in the Foreword to the Strategy, he declares that he stopped eight regional wars: Cambodia–Thailand; Kosovo–Serbia; DR Congo–Rwanda; Pakistan–India; Israel–Iran; Egypt–Ethiopia; and Azerbaijan–Armenia, and that the war in Gaza was halted (The White House 2025).

The moves Trump made immediately before and after the publication of the Strategy indicate that he adheres to what he has said and what is written in the document. Particularly concerning steps he has taken or announced – causing anxiety among both allies and adversaries – include:

The introduction of high tariff rates for all countries in the world, with frequent adjustments in line with practical developments;

- Assuming dominance over the Panama Canal;
- Significant restriction of immigration from Mexico into the United States;
- Securing the release of American detainees in Venezuela;
- Support for Israel in its conflict with Hamas and Iran, and a military strike against Iran;
- Claims regarding Canada and, in particular, Greenland;
- A meeting with President Putin in Alaska and influence over the course of the conflict in Ukraine;
- Talks with Chinese President Xi Jinping concerning the economy and trade with China;
- Persuading European NATO member states to accept his demand to allocate 5% of GDP to defence over the next decade, even though not all states have yet reached the 2% of GDP target that Trump also demanded during his first term;

- An attack on Venezuela and the abduction of President Maduro.

It is challenging and ungrateful to assess the reach of Trump's strategy, especially given his practical conduct, which seems to cause more concern among allies than among adversaries. One gains the impression that everyone is waiting for "Trump's time," that is, his mandate, to expire.

CONCLUSION

The American departure from isolationism, if not beginning with Woodrow Wilson, indeed begins with Harry S. Truman after the Second World War. For four decades, the United States competed with the USSR in the so-called Cold War, which it emerged victorious from.

The United States is the country in which, in 1947, the document known as the National Security Strategy first appeared. Owing to its overall influence on international relations, most states worldwide, following the U.S. example, adopted their own national security strategies. The National Security Strategy primarily answers the question: how should the United States ensure its national security? However, the U.S. National Security Strategy, above all, provides a vision of world order in which America is the leader and/or hegemon. All U.S. strategies after the Cold War have had this character.

Pragmatism and directness were introduced into American National Security Strategies by President Donald Trump, with his first (2017) and especially his second (2025) strategy. Both of Trump's strategies fall within the domain of realist theory, that is, the dominance of power. The difference is that, unlike the first (2017), in which Trump saw America as a hegemon, in the most recent strategy (2025), he shifts and conceives of the United States as a leader to be followed.

While a divided and confused European Union has no response to Trump's strategy, and while China and Russia seek to usher the world into multipolarity, the wolf may change its coat, but not its nature.

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ДИСКУРС НАЦИОНАЛНЕ СТРАТЕГИЈЕ БЕЗБЕДНОСТИ СЈЕДИЊЕНИХ АМЕРИЧКИХ ДРЖАВА НАКОН ХЛАДНОГ РАТА****

Резиме

Држава је била, и остаје, кључни, иако не и једини, субјект међународних односа. Безбедност државе је питање од највећег значаја. Историјски гледано, светске силе имале су најзначајнији утицај на међународне односе и, самим тим, на безбедност. Нема сумње да су Сједињене Америчке Државе биле светска сила број један у 20. веку. У САД је 1947. године створен документ о националној стратегији безбедности, који је крајем 20. века усвојила већина земаља широм света. Након Другог светског рата дошло је до идеолошког сукоба између светских сила, САД и СССР-а, који је прерастао у Хладни рат. Тај период у новијој историји назива се биполаризам. Сједињене Америчке Државе и западни савезници сматрају се победницима Хладног рата. Са распадом Варшавског пакта и дезинтеграцијом СССР-а, САД су увиделе прилику да успоставе униполарни светски поредак под сопственом хегемонијом. САД су успоставиле лидерство/хегемонију у свету

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милом или силом. У примени силе, САД су користиле НАТО, који је преживео Хладни рат иако је Варшавски пакт био распуштен. У свим националним стратегијама безбедности САД након Хладног рата недвосмислено је присутан национални интерес за владање светом. Тај интерес се артикулише као хегемонија или као лидерство. Председник САД Доналд Трамп је у свом другом мандату, који почиње 2024. године, најавио националну стратегију безбедности за 2025. годину. У тој стратегији Трамп недвосмислено тврди да су сви амерички председници од краја Хладног рата настојали да успоставе америчку хегемонију у свету. Међутим, према Трампу, није реч о америчкој хегемонији већ о лидерству које треба следити. Карактеристика Трампове стратегије, како 2017. тако и 2025. године, јесте њена директност и практична примена. У том смислу, најновија стратегија Доналда Трампа је погрешно схваћена и од стране савезника и од стране противника. Док нејединствена Европска унија не проналази начин да одговори на Трампову стратегију, догле директни противници, Русија и Кина, настоје да уведу свет у мултиполаризам. Политика доминира јер интереси управљају светом, али стратегија одговара на питање како. Све националне стратегије безбедности САД након Хладног рата биле су усмерене ка глобалном лидерству и/или америчкој хегемонији; разликују се само дискурс председничких администрација у њима и њихово деловање у пракси.

Кључне речи: Хладни рат, национална стратегија безбедности, САД

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SHIFT IN THE REGIONAL BALANCE OF POWER AS A PRECONDITION FOR AZERBAIJAN'S MILITARY INTERVENTION IN NAGORNO-KARABAKH IN 2020

Abstract

The Second Nagorno-Karabakh War of 2020 decisively influenced the regional security architecture of the South Caucasus and the fate of the protracted Azerbaijani-Armenian conflict over the status of this mountainous enclave. This paper aims to examine the circumstances that enabled Azerbaijan's military victory and the transformation of the regional order. The theoretical framework applied is neoclassical realism, which integrates structural factors and unit-level variables in the analysis of states' foreign policy. The paper argues that the altered regional balance of power constituted an essential precondition for Azerbaijan's armed intervention and subsequent triumph in the autumn of 2020. This shift resulted from a combination of interrelated factors. The first pertains to Russia's neutral stance toward the warring parties, accompanied by a gradual weakening of its regional supremacy. The second concerns the growing role of Turkey as Azerbaijan's ally, which particularly contributed to the rapid modernisation of Baku's

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armed forces. Finally, the passivity of Iran and the West, along with the deepening military cooperation between Israel and Azerbaijan, further strengthened Baku's regional position. These factors reshaped the regional order in the South Caucasus and made Azerbaijan's military intervention possible.

Keywords: Azerbaijan, Russia, Turkey, Nagorno-Karabakh, region, balance of power

INTRODUCTION

Amid the second wave of the COVID-19 pandemic, Europe's preoccupation with Brexit, and Russia's Navalny case, a local conflict between two relatively small states in the South Caucasus over an even smaller piece of territory failed to attract significant international attention (Hayrapetyan 2022, 83). Nevertheless, the Second Nagorno-Karabakh War, fought from September 27, to November 10, 2020, demonstrated a dramatic shift in the regional balance of power through one of the most destructive conflicts in the post-Soviet space. Azerbaijan's victory nearly annulled the outcome of the first war and paved the way for the complete reintegration of Nagorno-Karabakh into Baku's jurisdiction three years later. The dissolution of the Republic of Artsakh, as Armenians refer to the region, underlined the fragility of the decades-long status quo that had safeguarded Armenia's territorial gains achieved immediately after the collapse of the Soviet Union.

Throughout history, relations between the states of the South Caucasus have been largely shaped by the influence of surrounding empires. In this regard, local conflicts and shifts in the balance of power have often been direct consequences of changes in the power equilibrium among regional giants. This decisive impact of external actors on the peoples of the South Caucasus remains a historical constant, clearly visible even in the post-Cold War era. The diverse indirect involvement of multiple regional and international actors led to the portrayal of the conflict as a "local world war." At the same time, its outcome underlined that the use of force as an instrument of foreign policy remains relevant and, under certain conditions, can serve as an effective tool for advancing national interests (Hayrapetyan 2022, 84; Trapara 2021, 96).

The goal of this paper is to examine the circumstances, or more precisely, the preconditions, that enabled Azerbaijan's military intervention and triumph in the autumn of 2020. The central hypothesis is that the change in the regional balance of power created the necessary conditions for Azerbaijan's successful military campaign. The theoretical framework employed is neoclassical realism, whose capacity to integrate structural determinants with unit-level factors allows for a comprehensive examination of the key drivers shaping the strategic environment of the conflict. The opportunity seized by Baku resulted both from the interaction of the most powerful regional actors and from the perception of long-term shifts in the balance of power in the South Caucasus between the adversarial states. Unlike analyses of the conflict published immediately after its conclusion, the five-year distance allows this study to consider the broader implications of the war not only for the belligerents but also for the major powers invested in the region's fate.

The following sections define the foundations of the theoretical approach suitable for explaining the shift in the regional balance of power, which facilitated the "unfreezing" of the conflict and Azerbaijan's victory. The discussion then turns to the policy of the Russian Federation toward the warring parties, as a great power that views the South Caucasus as part of its "backyard" and natural sphere of influence in the post-Soviet space, as well as to its key regional challenger, the Republic of Turkey. The paper subsequently examines the limited influence of other regional and global actors on the conflict, focusing on Iran, Israel, and the European Union. Finally, the conclusion summarises the key factors that contributed to Azerbaijan's victory and their implications for other states embroiled in territorial disputes.

THEORETICAL FRAMEWORK

In the study of international relations, the theoretical approach whose core is occupied by the balance of power – understood as a concept rooted in "common sense and obvious reasoning" – is realism (Hume 1994, 154–160). Within the broad realist tradition, structural realism, or neorealism, has traditionally held a dominant place in analysing this phenomenon, emphasising the distribution of power among great powers in the international system. For Kenneth Waltz, the founder of this school, "if there is a distinct political theory of international politics, it is indeed the theory of the balance of power" (Volc 2008, 130). For

structural realists, due to systemic incentives, “a balance of power tends to form regardless of whether one or all states consciously pursue its establishment and maintenance” (Volc 2008, 132). However, identifying patterns of interaction among the most powerful states in the international system is neither sufficient nor primarily intended to explain the foreign policies of individual states, for which regional dynamics often outweigh global ones. For small and medium-sized states, what matters more than the overall relations of the great powers is the ability of global actors to project power into the region, as well as the interests of specific regional actors that they promote and safeguard (Preradović 2024, 48). It is within the interaction of influential external powers and local states that a specific regional balance of power emerges. Conceptualising it requires clarifying the mechanisms by which systemic pressures are translated into concrete policies and strategies of individual actors.

The approach that enables such an integration of external and internal variables, by revisiting certain postulates of classical realism, is neoclassical realism (Rose 1998, 146). “While grounded in the primacy of power, it builds upon three fundamental assumptions of the realist tradition: that individuals” owe their security to collective organisation within political communities; that the essence of politics lies in the “perpetual struggle of such groups for power and security in a world of scarce resources; and that the relative distribution of power constitutes the fundamental currency of politics” (Taliaferro 2012, 77). A crucial distinction between neoclassical and structural realism lies in their operationalisation of the balance of power. Unlike neorealists, who view balancing as an automatic process steered almost by Smith’s “invisible hand”, neoclassical realists consider it the product of deliberate choices made by states that consciously adopt balancing policies. This distinction leaves room for blunders, miscalculations, and absent or delayed responses (Živojinović 2008, 374). In this sense, the quasi-natural law is replaced by the uncertain politics of balancing. The distinction arises from the fact that the two approaches ultimately aim to explain different phenomena: whereas neorealism, as a theory of international politics, seeks to explain outcomes of systemic interactions, neoclassical realism aims to explain the foreign policies of individual states – thus constituting a theory of foreign policy (Živojinović 2008, 157).

Furthermore, when analysing regional balances of power, it is necessary to define the region and regional order within a realist

framework – an aspect often neglected. For realists, a region is primarily an expression of material determinism, that is, a shared geographic space that pushes states to interact with one another more frequently than with external actors (Merom 2003, 111). Within this vortex of interactions, states perceive themselves, and are perceived by others, as constitutive parts of the region (Merom 2003, 111). The *differentia specifica* compared to other approaches lies in the exclusion of cultural, social, or linguistic identities from the definition, owing to realism's focus on the distribution of power and interests that determine the frequency of interstate interactions (Merom 2003, 111).

Based on this definition, it is clear that any analysis of regional order rests upon the distribution of power. Systemic power is transferred into a region when two cumulative conditions are met: a systemic actor, typically a great power, must possess greater capabilities than regional states and hold a strategic interest in the region (Merom 2003, 112). When both criteria are fulfilled, two basic patterns of influence are possible. The first entails the dominant influence of a single power, which enjoys a hegemonic position and an exclusive sphere of influence (Merom 2003, 112). One of the most salient examples of such control is the position of the United States in the Western Hemisphere following the implementation of the Monroe Doctrine. The second pattern is more complex and involves competition between two or more powers for regional influence, where they vie for the allegiance of regional states by supporting local clients in disputes. In such cases, the regional order may be characterised as contested or competitive (Merom 2003, 112). During the Cold War, for instance, the two superpowers sought to boost their positions in the Middle East by supporting different local actors and their specific interests.

Based on these criteria, in the South Caucasus, Russia and Turkey emerge as the two actors whose posture most decisively shaped the regional balance of power and therefore constitute the primary focus of this analysis. On the eve of the 2020 conflict, the regional order was in a prolonged state of transition, from one characterised by the decisive influence of a single power to one increasingly defined by the competition of at least two. Over time, this process reshaped the regional balance of power. When coupled with the dramatic modernisation of Azerbaijan's military and technological capabilities, it decisively influenced the outcome of the 2020 Nagorno-Karabakh war.

RUSSIA'S POLICY TOWARDS THE NAGORNO-KARABAKH CONFLICT

Since the early 19th century, when the “poet of the Caucasus,” Mikhail Lermontov, portrayed the region as an exotic mountainous periphery of the vast empire and a sanctuary for exiles, the South Caucasus has been an integral part of Russia’s geopolitical space. The temporary discontinuity caused by the revolution and the dissolution of the Russian Empire was soon resolved through the reintegration of the entire Caucasus, Armenia, Azerbaijan, and Georgia included, into the Soviet Union (Britannica 2025). Following the collapse of the communist giant, the statehood of the Caucasian republics was reaffirmed. However, at the same time, the longstanding conflict between Armenia and Azerbaijan over Nagorno-Karabakh, a predominantly Armenian-populated enclave formally under Baku’s sovereignty, was intensified. The first war ended in 1994 with Armenian territorial gains, mediated by Russia, which led to the signing of the Bishkek Protocol and the establishment of the OSCE Minsk Group, tasked with finding a long-term solution (Jović-Lazić 2021, 216). While formally co-chairing the Minsk Group with the United States and France, Moscow pursued its own independent engagement with the conflicting parties, thereby retaining a pivotal role in regulating the conflict (Abushov 2019, 81).

What were the main directions of Russian involvement in Nagorno-Karabakh? They followed the overarching objectives of Russia’s grand strategy after President Vladimir Putin consolidated power: the restoration of great power status and the establishment of regional dominance in the “near abroad,” that is, the post-Soviet space (Marange 2019, 51). The South Caucasus, as a former part of the USSR, remained strategically important for Moscow, a fact exhibited most clearly in its military intervention in Georgia in 2008 and its persistent attempts to act as the indispensable mediator in the Nagorno-Karabakh conflict. To understand the impact of the Kremlin’s policy on the regional balance of power, it is necessary to examine its posture towards both Armenia and Azerbaijan, before and during the 2020 war, as well as the long-term consequences of the conflict for Russia’s presence in the South Caucasus.

Armenia has traditionally been Moscow’s closest regional ally. As an active CSTO member, hosting a Russian military base on its territory and Russian troops stationed along its borders with Turkey and Iran, cooperation with Moscow has been an essential pillar of

Yerevan's security and defence policy (Minasyan 2013, 1). Moreover, in the decade preceding the 2020 war, Russia was by far Armenia's most significant arms supplier (SIPRIa 2021). These allied connections and military cooperation boosted expectations of at least implicit Kremlin support in the dispute over Nagorno-Karabakh's status. However, since Putin's rise to power, Russia's rhetoric toward the conflicting parties became increasingly balanced, emphasising Moscow's mediatory role and ruling out the possibility of direct intervention (Hayrapetyan 2022, 87). These tendencies amplified after Armenia's "Velvet Revolution" of 2018, which brought Prime Minister Nikol Pashinyan to power and made him more open to cooperation with Western countries from which he expected financial and diplomatic support (Jović-Lazić 2021, 225–226). The overthrow of a pro-Russian government through mass protests revived old Kremlin fears of Western-orchestrated "colour revolutions." Despite Pashinyan's attempts to preserve political and security ties with Moscow, Armenia's allegiance became questionable in Russian eyes (Jović-Lazić 2021, 225–226).

By contrast, Russia's relations with Azerbaijan after the USSR's collapse fluctuated, shaped by the asymmetry of power and the Nagorno-Karabakh conflict. Following the first war, Baku's perception of Moscow was dominated by scepticism, believing that Russia's rhetorical support for Azerbaijan's territorial integrity masked *de facto* military assistance to Yerevan and the absence of real pressure on Armenia to withdraw from the occupied territories (Abushov 2019, 73). Nonetheless, mutual recalibration ultimately promoted a new dynamic. Two factors were decisive. The first, more superficial, was the growing trust between leaders, particularly between Putin and the Aliyev political dynasty, represented by Heydar and later Ilham Aliyev (Valiyev and Mamishova 2019, 4–6). The second, more significant, was the broader reorientation of both states' strategic outlooks. Azerbaijan gradually shifted from its initial pro-Western course to a more cautious approach, combining balancing and bandwagoning with Russia (Valiyev and Mamishova 2019, 2–3). Unable to ignore Moscow's role in a conflict of such high stakes as its territorial integrity, Baku reassessed its policy toward Russia. Simultaneously, Moscow began perceiving the Nagorno-Karabakh conflict as an obstacle to closer ties with Azerbaijan (Abushov 2019, 81). Thus, adopting a more neutral position toward the warring parties allowed Russia to maximise its regional influence. The frozen conflict in Nagorno-Karabakh enabled Moscow to strengthen its position

not only in Armenia but also in Azerbaijan. Between 2011 and 2020, alongside being Armenia's primary arms supplier, Russia also accounted for nearly two-thirds of Azerbaijan's arms imports (SIPRI 2021a) – a striking indicator of this policy shift.

How did these relations affect Russia's position during the 2020 war? On the first day of hostilities, September 27, Putin urged Pashinyan to de-escalate and cease military action (Kremlin 2020). Moscow also joined the Minsk Group co-chairs in "calling for an immediate ceasefire and a return to negotiations" as the only path to a sustainable settlement (OSCE 2020). However, beyond rhetorical commitments to peace, most of the war was marked by the absence of any tangible Russian intervention. Despite Yerevan's appeals, stressing that the situation in Nagorno-Karabakh threatened Russia's national security, the Kremlin refrained from siding with either party (Miarka and Łapaj-Kucharska 2021, 3). This stance echoed Putin's earlier position, reiterated in early 2020, "that Russia did not recognise Nagorno-Karabakh as part of Armenia," and therefore an attack on the self-proclaimed Republic of Artsakh would not constitute an attack on a CSTO member (Antal 2022). Russia engaged more energetically in diplomacy only near the war's end. This raised suspicions that Moscow had earlier expressed its red lines to Baku regarding the advance of Azerbaijani forces (Askerov and Ibadoghlu 2023, 248). The timing reinforced such speculation: President Aliyev repeatedly underscored that victory would be incomplete without capturing the symbolically important city of Shusha (Shushi in Armenian), and Russia assumed diplomatic initiative immediately after Azerbaijani troops entered the city on November 8 (Askerov and Ibadoghlu 2023, 248). Negotiations initiated on November 9 under Moscow's auspices quickly resulted in a ceasefire agreement (Askerov and Ibadoghlu 2023, 248). The following day, the trilateral declaration signed by Pashinyan, Aliyev, and Putin officially ended the war and mandated the deployment of Russian peacekeepers in the conflict zone (Askerov and Ibadoghlu 2023, 256). Additionally, Russia and Turkey agreed to establish a joint monitoring centre in Azerbaijan's Aghdam district in 2021 (Jović-Lazić 2021, 219). Crucially, the agreement did not refer to the future status of Nagorno-Karabakh.

Despite Russia's initial inactivity, its role in halting hostilities and deploying peacekeepers was widely perceived in early postwar analyses as a diplomatic success that would consolidate Moscow's long-term regional influence (Askerov and Ibadoghlu 2023; Tučić 2021;

Welt and Bowen 2021). However, behind this façade of triumph lay a more profound transformation of the regional balance of power to Russia's disadvantage. Some cautious Russian analysts recognised this immediately. Konstantin Makiyenko, co-founder of the Moscow-based Center for Analysis of Strategies and Technologies (TSAST), argued that "the geopolitical consequences of the second Karabakh war are a disaster not only for Armenia, but also for Russia," in a new reality marked by a "sharp decline" of Russian influence and the strengthening of Turkey's role (Макиєнко 2020). He posed the key question: "Why should Baku now continue its balanced policy of manoeuvring between the three imperial nations – Russia, Turkey, and Iran – that have dominated this region for the past three centuries?" (Макиєнко 2020). Having regained the territories lost in 1994 and secured a direct land connection to Turkey, Azerbaijan "can now speak to Russia in a completely different tone" (Макиєнко 2020). For this reason, Makiyenko described the outcome as a "tragedy" for Moscow (Макиєнко 2020). In retrospect, this seemingly pessimistic assessment proved accurate. In September 2023, while Russia's attention was focused on the war in Ukraine, Azerbaijan launched a swift offensive that brought the entire Nagorno-Karabakh under its control, effectively ending the decades-long conflict (IISS 2023). Consequently, Baku's need to accommodate Russian interests diminished, evident in the rising tensions between the two countries in late 2024 and throughout 2025 (Al Jazeera 2025).

The sources of this development lie in Russia's neutrality before and during the second Nagorno-Karabakh war. This stance encouraged Azerbaijan to resolve the conflict militarily. While necessary, it was not sufficient to explain the altered regional balance of power that enabled Baku's military success in 2020. The following section turns to the policy of a state that was anything but neutral, a state whose unequivocal support for one party significantly strengthened its influence and positioned it as the principal challenger to Russia's presence in the South Caucasus.

TURKEY'S POLICY TOWARDS THE NAGORNO-KARABAKH CONFLICT

In the process of conflict resolution, alongside Russia as the dominant actor in the South Caucasus, Turkey gradually assumed an increasingly prominent role, bolstered by its expanding material

capacities and political ambitions within its regional environment. The country's economic rise at the beginning of the twenty-first century (Jarosiewicz 2013) enabled Ankara to develop and pursue a more proactive foreign policy, the strategic orientation of which was primarily shaped by the Justice and Development Party (AKP), led by Recep Tayyip Erdoğan, in power since 2002. During the first conflict between Armenia and Azerbaijan, Ankara maintained a neutral position, assessing that direct involvement could generate more damaging than positive consequences, particularly in terms of potential confrontation with Russia (Yavuz 2023, 292). The closure of the Armenian-Turkish border and Azerbaijan's severe military and political defeat further sapped Turkey's regional influence. However, Ankara's carefully managed and long-term policy in the following decades, based on the systematic strengthening of Azerbaijani capacities, led to a significant reshaping of the regional balance of power in its favour. This very transformation created the first and most important precondition for Azerbaijan's offensive in 2020.

With the rise of the Justice and Development Party, Turkish foreign policy underwent a profound transformation. A focus on foreign policy goals that enjoyed broad public approval, coupled with the replacement of the existing diplomatic corps with new structures far more loyal to the party and its assertive approach (Giannotta, Suha Cubukcuoglu, and Al Qutbah 2024), had three key implications for Turkey's policy toward the South Caucasus, directly influencing Azerbaijan's strategic calculations.

The first change was domestic political pressure, which compelled the new Turkish leadership to abandon its previously neutral stance toward the conflict. Public opinion in Turkey, which in the new political framework acquired far greater influence over foreign policy decision-making than in previous decades, perceived the loss of Nagorno-Karabakh as a national defeat, attributing responsibility for the lack of adequate support to Baku to the Turkish authorities of the time (Yavuz 2023, 286). The idea of unity between Turks and Azeris, encapsulated in the slogan "two states, one nation," further reinforced a sense of historical and moral obligation within Turkish society, stemming from the perception of Ankara's insufficient engagement in supporting Azerbaijan during earlier conflicts (Antal 2022, 9). This change in the political atmosphere meant that Baku was no longer alone in any potential conflict—it now stood backed by a regional power of more than 80 million people, which regarded its success as a matter of national prestige.

The second key change was the establishment of economic ties, which gave Turkey a material incentive to support a shift in the territorial status quo. Ankara's strategic aim to reduce its dependence on Russian energy dominance, while simultaneously meeting the growing needs of its economy and population, found expression in the development of infrastructure projects enabling the transport of oil and gas from Azerbaijan (Hafizoglu 2016). The construction of the Baku–Tbilisi–Kars railway, along with accompanying energy infrastructure during the first two decades of the twenty-first century, provided Turkey with transport and energy links to Azerbaijan without the need for transit through Armenia as a hostile state. However, Georgia's intermediary role in this network, coupled with its pronounced vulnerability to Russian political and security pressures, highlighted for both Baku and Ankara the necessity of an alternative route excluding potentially problematic third parties. The Zangezur Corridor emerged as the only viable solution – a transport and energy route traversing the southernmost part of Armenian territory, connecting Azerbaijan with its exclave of Nakhchivan, and subsequently with Turkey. However, the realisation of this project remained impossible as long as Yerevan retained control over the disputed area. This economic imperative created circumstances in which Turkey was no longer a neutral observer but an interested party with direct stakes in Azerbaijan's military victory.

The third change concerned the systematic strengthening of Azerbaijan's military capacities, which created the material preconditions for a successful offensive. In order to assist its close ally in reclaiming the disputed territories and to "correct the mistake" of the 1990s, when Turkey had offered Azerbaijan only diplomatic support, Ankara decided to employ the growing capacities of its armed forces and defence industry to train and equip the Azerbaijani military. Baku's intention, following its defeat in the war with Armenia, to transform its armed forces along the lines of NATO member states, further facilitated this process and opened space for more intensive cooperation with Turkey (Sumerinli 2010, 145). In the early 2000s, a process of security cooperation between the two countries was launched, reaching a new level with the signing of the Agreement on Strategic Partnership and Mutual Support in 2010 (Huseynov 2020, 1). This document outlined the framework for military cooperation, with particular emphasis on military education and the organisation of joint exercises (Abasov 2011). Such an approach enabled Baku to rapidly abandon its Soviet military legacy (Erickson 2023, 225),

especially in the field of doctrinal principles and operational planning, while simultaneously creating a need for the procurement of weaponry adapted to the requirements of the new doctrine.

Revenues from energy exports to Turkish and European markets allowed Azerbaijan to embark on an extensive process of modernising its weapons and military equipment, a process far beyond the reach of Armenia's considerably more modest economy (CIA 2021). According to available estimates, between 2010 and 2020, Baku invested between 28 billion USD (SIPRI 2021b) and 42 billion USD (Antal 2022, 8) in the acquisition of modern armaments, with Turkey playing a key role as a supplier of a significant number of armored combat vehicles (APA 2012) and Bayraktar TB-2 unmanned combat aerial vehicles (Rehimov 2020), which would prove decisive in the subsequent conflict (Hecht 2022, 33). Cooperation between Turkish and Azerbaijani armed forces during this period steadily intensified, particularly in terms of the frequency and scale of joint military exercises (Gurbanov 2019). The culmination of this process occurred in the months preceding the Second Nagorno-Karabakh War: in July and August 2020, a joint military exercise was conducted involving as many as 11,000 Turkish troops, aimed at testing the combat readiness and operational efficiency of units designated for direct engagement in wartime conditions (Huseynov 2020, 1). This exercise sent a clear signal that Baku could count on immediate Turkish support in the event of renewed conflict, radically altering assessments of the likelihood of success in a military operation.

The outcome of a quarter-century of systematic Turkish policy was the redefinition of Ankara's position in the South Caucasus and the significant disruption of the regional balance of power in a space long marked by Moscow's dominance. By developing economic cooperation with Azerbaijan, Ankara achieved several strategic goals: it secured access to a new source of energy as an alternative to Russia, succeeded in bypassing and isolating Yerevan from key regional initiatives, and expanded its geopolitical influence to the shores of the Caspian Sea, thereby establishing direct contact with the Turkic states of Central Asia. The most significant achievement of Turkey's policy in its eastern neighborhood was the complete alignment of Azerbaijan with Ankara, accompanied by a substantial reduction of Russian influence in the region, which created the conditions under which Baku could undertake military action without fear of isolation.

NEUTRALISING OPPONENTS: HOW ARMENIA'S TRADITIONAL SUPPORTERS BECAME PASSIVE OBSERVERS

Turkish support was a necessary, though not sufficient, condition for the Azerbaijani offensive. A second key element of the altered regional balance was the neutralisation of actors who had provided significant support to Armenia during the first conflict. This shift did not result from their backing of Azerbaijan, but rather from their decision to remain on the sidelines once hostilities began.

Tehran provides the most illustrative example of such a transformation. During the first war (1988–1994), Iran served as Armenia's most vital link to the outside world and was therefore perceived as Yerevan's most loyal ally (Moniquet and Racimora 2013, 3). From Tehran's perspective, the frozen conflict between Armenia and Azerbaijan constituted an issue of considerable importance for the security of its northern territories, for two reasons that directly shaped its regional strategy.

The first reason concerned the ethnic structure of northern Iran. The northern provinces are predominantly populated by Azeris, who, following numerous wars between the Russian Empire and Persia, were left divided between the two states. With Azerbaijan's independence, the status of some 20 million Azeris (Eschment and von Löwis 2022, 31) residing within Iran emerged as a pressing issue. This demographic distribution fuels concerns that, in the event of internal instability, large numbers of Azeris could pursue secession. Although such fears appear to be overstated given the high degree of integration of the Azeri population into Iranian society (Дудайти 2024, 568), they persist – especially in scenarios where an external actor, such as Israel or Turkey, might support demands for secession by the local population or by Baku (Ravandi-Fadai 2024, 161).

The second reason why Nagorno-Karabakh is of strategic importance for Tehran is the possibility of other powers penetrating the region in the event of an ill-conceived or poorly managed policy, above all, Turkey and Israel, and potentially the United States. Rejecting or undermining Baku's position by Iran could encourage the Azerbaijani authorities to seek foreign support even more openly. On the other hand, the weakening of U.S. influence in the region following Russia's military intervention in Georgia in 2008 (Talebi 2025, 41) placed Azerbaijan's

President, Ilham Aliyev, in an unfavourable position, creating the need for a process of normalisation of relations with neighbours, including Iran.

For these reasons, Tehran and Baku initiated a gradual rapprochement, despite persistent mutual distrust and the existence of contentious issues (Дудайти 2024, 572). About Nagorno-Karabakh, Iran's policy remained relatively ambiguous: on the one hand, there was intense pressure from the Azeri community in Iran to end cooperation with Yerevan in the name of Shiite solidarity and support for the "friendly state" (Ravandi-Fadai 2024, 162); on the other hand, Iran viewed Armenia – with the occupied territories – as a counterbalance to a rising Azerbaijan. The decisive moment came during the 2020 war itself, when fear of escalation, pressure from the local Azeri population, and the possibility of other states – above all, Turkey – becoming involved, influenced Tehran not to provide significant assistance to Yerevan. This Iranian passivity represented a dramatic shift compared to the first conflict and created the conditions under which Armenia lost one of its key regional supporters precisely at the moment when support was most needed.

Simultaneously with the neutralisation of Iranian support for Armenia, cooperation between Baku and Tel Aviv intensified, providing Azerbaijan with a decisive military advantage. Between 2011 and 2020, Israel was the second-largest supplier of weaponry to Azerbaijan's armed forces (after the Russian Federation). In the last five years of that period, it became the largest exporter (SIPRI 2021b). Although economic motives are often highlighted as the primary driver of such extensive trade cooperation (SIPRI 2021b), the security-strategic dimension of the partnership also plays a significant role, within which Baku occupies a specific place in Israel's national security policy. Tel Aviv perceives Azerbaijan, as well as the large Azeri community in Iran, as potential allies in the context of weakening Tehran's influence (Askerov and Ibadoglu 2022, 255). This is confirmed by the statement of former Israeli Brigadier General Oded Tira about the possibility of intensified military cooperation with Baku and support for the Azeri minority within Iran (Lauria 2012).

For Azerbaijani strategists, cooperation with Israel meant access to the most advanced military technologies, which provided a decisive advantage over Armenia's armed forces. The combination of Israeli unmanned systems, Turkish Bayraktar TB-2 drones, and the new military doctrine created the conditions under which Baku could count on a swift

and efficient military victory – crucial for the political decision to launch the offensive. At the same time, the threat that the Armenian-Azerbaijani conflict might escalate into a broader confrontation involving Iran and Turkey (and likely Israel, in an indirect way), as well as the risk of internal Azeri secessionism fueled by the idea of national liberation, convinced Tehran to remain on the sidelines in the coming war.

The third element of the altered regional balance of power was the position of the Western powers, above all the European Union, which displayed a significantly lower level of direct interest in the outcome of the crisis compared to its approach to other similar conflicts. This passivity was not neutrality but effectively signalled that Azerbaijan would not face significant Western sanctions or interventions in the event of military action against Armenia.

The European Union's position toward the conflict was shaped by a complex calculation balancing declarative support for territorial integrity with practical energy interests. On the one hand, support for Baku's efforts to restore the occupied territory could contribute to strengthening cooperation in the energy sector and to the affirmation of the principle of Azerbaijan's territorial integrity, in line with United Nations General Assembly resolutions (UNGA, GA/10693). On the other hand, such an approach would entirely undermine the existing security order in the South Caucasus, based on Russian dominance. It could potentially draw the Union into complex geopolitical challenges.

The key factor shaping European policy was the intensive development of economic cooperation with Azerbaijan, which acquired special significance for the EU in the context of its strategy of diversifying energy supply sources. The growing importance of Azerbaijan within the EU is clearly reflected in the evolution of public statements by European officials regarding the state of human rights and democracy in the country, issues that the Union otherwise systematically emphasises in cooperation with other partners. For instance, in 2012, leaders of the European People's Party, the largest political group in the European Parliament, praised President Ilham Aliyev's political reforms and his "clear intention to build democracy" (Hale 2012), despite Azerbaijan continuing to be classified in relevant international assessments as an authoritarian state (Economist Intelligence Unit n.d.), comparable to the often-criticized Belarus (European Union Press Release 2012). This shift in approach was not accidental but reflected a conscious decision to prioritise energy interests over normative considerations and, indirectly,

over other political issues. Although there was an initiative to raise the issue of human rights protection in negotiations with Baku (Van Gils 2017, 261), Azerbaijan's strategic role in the EU's energy security led to the marginalisation of such demands. Despite occasional criticism from Azerbaijani officials regarding EU passivity in resolving the Nagorno-Karabakh issue (Van Gils 2018, 750), as well as reactions from EU institutions to the arrests of numerous activists in Azerbaijan (Human Rights Watch 2018), the subsequent period was marked by further strengthening of bilateral cooperation, which increased Baku's importance.

The change of power in Armenia in 2018, when a pro-Western government led by Nikol Pashinyan came to power following the "revolution" in Yerevan, did not significantly affect the EU's position on Armenia's efforts to retain the occupied territories, even though it marked the end of two decades of pro-Russian political dominance. This fact is particularly significant, as it indicates that European policy toward the region was not driven by ideological reasons but by pragmatic interests. Nominal support for a peaceful resolution of the conflict through mediation, alongside declarative insistence on respecting Azerbaijan's territorial integrity, remained the basis of European policy toward this issue in the South Caucasus. However, Baku's importance as a strategic partner in the energy sector effectively resulted in Brussels' tacit consent not to oppose a potential violent resolution of the Nagorno-Karabakh issue actively. An additional factor that facilitated Azerbaijan's decision was the COVID-19 pandemic, which absorbed the attention of both the public and policymakers in Europe, thereby granting Baku even greater freedom of action without fear of international scrutiny or possible interventions.

Baku's decision to launch the 2020 war was the result of a complex combination of regional and international circumstances. Turkish support provided the necessary military and political foundation, Iran's withdrawal prevented the potential outbreak of a broader conflict, and the European Union's restraint removed the key obstacles that had existed during the first war. At the same time, intensified cooperation with Israel ensured Baku's technological and intelligence superiority, further reinforcing the Azerbaijani leadership's belief that conditions for a military solution were favourable. In such a security environment, the absence of strong international reactions or the threat of sanctions acted as a signal that military action would not encounter serious resistance

from the international community, thereby placing the altered regional balance of power entirely at the service of achieving Baku's strategic objectives.

CONCLUSION

The Second Nagorno-Karabakh War of 2020 represents a watershed moment in one of the longest-standing disputes in the post-Soviet space. Azerbaijan's triumph paved the way for the enclave's full reintegration under Baku's sovereignty three years later, effectively ending the decades-long conflict with Armenia. The victory resulted from a combination of factors that decisively altered the regional balance of power and convinced Azerbaijan that conditions for military intervention were favourable.

First, the neutral stance of the most influential state in the South Caucasus – and Armenia's primary ally – Russia, both before and during the conflict, proved decisive. Moscow's aspiration to balance its relations with both sides ultimately favoured the stronger actor, Azerbaijan, which interpreted Russia's restraint as a green light for a military solution.

Second, the more active role of Azerbaijan's key strategic partner, Turkey, in building Baku's military capacities was crucial. Through its assistance, Ankara strengthened its own regional influence, directly challenging Moscow's previously unassailable dominance.

Third, the passivity of actors traditionally supportive of Armenia, such as Iran, the disinterest of the West, and Azerbaijan's intensifying military cooperation with Israel all contributed to Baku's military modernisation. The interplay of these factors created the conditions under which Azerbaijan could pursue military intervention without fear of international isolation or direct involvement by third parties in the conflict.

Theoretically, this case highlights the contribution of neoclassical realism to understanding regional security – often overlooked due to realism's traditional focus on great-power competition at the systemic level. For regional balances of power, what matters more than the overall systemic distribution of capabilities is the interest and ability of powers to project influence into specific geographic areas. This implies that small and medium states can also be "good realists" if, alongside their own capabilities, they accurately assess the interests and capacities of extra-regional actors. Azerbaijan's conduct before and during the Second

Nagorno-Karabakh War thus provides a valuable example for other states engaged in territorial disputes.

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ПРОМЕНА РЕГИОНАЛНЕ РАВНОТЕЖЕ СНАГА КАО ПРЕДУСЛОВ ЗА ОРУЖАНУ ИНТЕРВЕНЦИЈУ АЗЕРБЕЈЦАНА У НАГОРНО-КАРАБАХУ 2020. ГОДИНЕ

Резиме

Други рат за Нагорно-Карабах јесени 2020. године дубоко је преобликовао безбедносну архитектуру Закавказја и изменио ток дуготрајног јерменско-азербејџанског сукоба. Рад покушава доказати да је победа Азербејџана била исход значајних трансформација у регионалној равнотежи снага. Применом теорије неокласичног реализма, који интегрише системске факторе са варијаблама на домаћем нивоу, студија показује како су променљива усклађивања и спољни утицаји створили повољне услове за Бакуову војну офанзиву. Истраживање почиње смештањем рата из 2020. године у шири геополитички контекст. Упркос ограниченој глобалној пажњи, фокусираној на догађајима као што су пандемија COVID-19 или Брејзит, сукоб је показао да војна сила остаје ефикасан инструмент спољне политике. Азербејџанска победа преокренула је исход првог рата (1988–1994), поништивши јерменске територијалне добитке и утирући пут Бакуовом потпуном повраћају контроле 2023. године. Рад наглашава три одлучујућа фактора иза измењене равнотеже снага. Прво, неутрални став Русије означио је драматично одступање од њене историјске улоге као примарног безбедносног гаранта Јерменије. Иако је Москва одржала војну сарадњу са Јереваном, уздржала се од директне интервенције

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током рата 2020. године. Ова амбиваленција потекла је услед забринутости настале политичком револуцијом у Јерменији 2018. године, која је изнедрила прозападну владу, изазивајући сумње у Москви о поузданост Јеревана као савезника. Истовремено, Русија је настојала да продуби односе са Азербејџаном, снабдевајући га значајним количинама наоружања. Као резултат, руска пасивност створила је окружење повољно за азербејџанску војну акцију. Друго, Турска се појавила као одлучујући актер. За разлику од свог неутралног става у првом рату, Анкара је у потпуности подржала Баку политички, економски и војно. Турско учешће укључивало је обезбеђивање дрoнова, оклопних возила, војну обуку и заједничке вежбе. Символични наративи као што су онај о „две државе, једна нација” ојачала је јавну и политичку подршку у Турској. Штавише, енергетски и инфраструктурни пројекти Анкаре, нарочито железница Баку-Тбилиси-Карс и планови за Зангезурски коридор, дали су Турској снажне материјалне подстицаје да подржи Азербејџан. Ово дугорочно стратешко партнерство кулминирало је трансформацијом азербејџанских оружаних снага, што се показало кључним 2020. године. Треће, остали традиционални јерменски савезници били су неутралисани према сукобу. Иран, раније кључни савезник Јерменије, остао је пасиван због страхова од унутрашњих немира међу својом великом азербејџанском мањином и забринутости због растућег турског и израелског утицаја. Запад је такође играо ограничену улогу. Европска унија дала је приоритет енергетској сарадњи са Азербејџаном, борби против пандемије и решавању унутрашњих проблема. У исто време, продубљивање израелско-азербејџанске сарадње обезбедило је Бакуу напредну војну технологију, посебно дрoнове, повећавајући његову надмоћ на бојишту. Рад закључује да је азербејџанска победа омогућена конвергенцијом ових фактора: руска неутралност, турска проактивна подршка, иранска и западна пасивност, и израелска помоћ. Заједно, они су одлучујуће померили регионалну равнотежу снага у корист Бакуа. Са теоријског становишта, случај илуструје вредност неокласичног реализма у објашњавању исхода спољне политике малих и средњих држава. Тачним процењивањем спољних прилика и ограничења, Азербејџан је успешно искористио регионалну конфигурацију снага да постигне своје дугогодишње националне циљеве. На крају, рат из 2020. године означио је крах крхког *status quo* који се одржавао од 1994. године, показујући

да замрзнути сукоби могу бити „одмрзнути” када се померања у регионалним односима снага ускладе са државним амбицијама.

Кључне речи: Азербејдан, Русија, Турска, Нагорно-Карабах, регион, равнотежа снага

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PROSPECTS FOR INDIA-SERBIA COLLABORATION WITHIN THE BRICS FRAMEWORK

Abstract

This scholarly paper examines the prospects and strategic significance of cooperation between Serbia and India within the BRICS platform. Special attention is devoted to the economic dimension of cooperation, especially in international politics, economics, trade, finance, and agriculture. The paper aims to highlight the importance of a more balanced global financial architecture. In this context, Serbia's potential engagement with BRICS through enhanced cooperation with India is presented as an opportunity for both countries, with an emphasis on their cooperation in science, education, and agriculture. In conclusion, the authors explain that Serbia–India cooperation represents a strategic opportunity to strengthen economic sovereignty and foster sustainable development, while contributing to a more equitable and multipolar international order.

Keywords: BRICS, India, Serbia, economic cooperation, international agreements

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INTRODUCTION

Cooperation between Yugoslavia and India began as early as India's independence in 1947 and was intensified through their joint engagement in the Non-Aligned Movement. "Following the conference in Bandung (Indonesia) in 1955, at which the principles of peaceful coexistence were outlined, the first Conference of Non-Aligned Countries was held in 1961 in Belgrade – at the initiative of the SFRY" (Republic of Serbia, Ministry of Foreign Affairs n.d.). As Yugoslavia and India were founding members of the Non-Aligned Movement, relations between them developed toward deeper, more comprehensive economic integration.

Thus, the 1956 Brioni Declaration of Presidents Tito, Nasser, and Nehru states the following: "7) Intensifying efforts to accelerate the development of underdeveloped regions of the world constitutes one of the principal tasks in the creation of lasting and durable peace among nations. In this regard, the three Heads of Government also point to the importance of international economic and financial cooperation and consider it necessary and desirable that the proposed United Nations Special Fund for Economic Development be established and enabled to operate effectively. 8) In the course of their discussions, the three Heads of Government emphasised the importance of removing embargoes and obstacles to the normal conduct and expansion of international trade" (Mates 1970, 388–390).

On these principles, cooperation between India and Yugoslavia was established and continued until the dissolution of the SFRY. As an independent state, Serbia has sought to strengthen its political and economic ties with countries in the region, with European states and major powers, while also reviving international relations with countries with which it had cooperated within the Non-Aligned Movement. In this context, the possibilities for strengthening cooperation between Serbia and India should be viewed as developing along two tracks. If bilateral relations between the two states define the first, the second implies the establishment of cooperation through international multilateral platforms, among which BRICS is one of the most significant.

THE INTERNATIONAL SIGNIFICANCE OF THE BRICS

The need for connectivity among countries in the twenty-first century has led to the formation of new organisations for political and economic cooperation, initially regional in scope but aspiring to attain a universal character. Their initial objectives concerned establishing political and business communication among economic actors to stimulate economic activity and eliminate unnecessary restrictions. These restrictions take the form of tariffs, taxes, and other fiscal and administrative barriers that increase the cost of a country's products, thereby rendering them less competitive in foreign markets or even preventing their sale altogether. In this way, opportunities are created for large multinational corporations, which, by virtue of their capital strength and business and political connections, penetrate the markets of most countries worldwide without hindrance.¹

A significant development in global economic and political dynamics was the formation of BRIC as an international organisation initially composed of four countries – Brazil, Russia, India, and China. Although the leaders of the countries that later became the founding members of BRIC had been meeting since 2006, the organisation itself was formally established on June 16, 2009, in the Russian city of Yekaterinburg. In 2010, the second BRIC summit was held, at which the principles of this international organisation were confirmed. The third BRIC summit, held in 2011 in China (Sanya), led to the organisation's expansion, as the Republic of South Africa joined, and from that point onward, the organisation adopted the name BRICS. As of January 1, 2024, Egypt, Ethiopia, Iran, and the United Arab Emirates became members of BRICS.

At the Sanya Summit in the People's Republic of China in 2011, a declaration was signed outlining the models and frameworks for the BRICS' future activities. It affirms that the BRICS member states and other developing countries have played an essential role in establishing world peace, security, and stability, increasing global economic growth,

¹ The World Bank presented data indicating that, within the cycle of opening the global market up to 2015, total gross domestic product increased by 2,800 billion dollars, of which 1,500 billion dollars represented growth in developing countries (Unković 2010, 231).

strengthening multilateralism, and promoting democratic relations in international affairs (BRICS Leaders Meeting 2011, Article 5). The Action Plan for implementing the Declaration emphasises that enhanced cooperation among BRICS states would take place through meetings of foreign ministers. At the same time, the heads of diplomacy would maintain informal communication with representatives of international organisations headquartered in New York and Geneva. In addition to meetings of foreign ministers, finance ministers, and central bank governors meet within the framework of the G20, as well as during the annual meetings of the World Bank and the International Monetary Fund. The Declaration also envisaged a meeting of the expert working group on agriculture and a second meeting of agriculture ministers in 2011 in China, to establish cooperation among BRICS states in the field of agriculture, including the creation of a BRICS Agricultural Information System and the organisation of a seminar on food security. Thus, the fundamental idea of the BRICS member states was to redefine the existing global financial system, in which the International Monetary Fund and the World Bank serve as the principal institutional mechanisms.

Given that the global financial crisis of 2008 arose from the implementation of a liberal economic model operating without sufficient control within and beyond state frameworks, proposals emerged to reform international monetary institutions. This would create the possibility of greater participation by Third World countries, which are underrepresented in the work of international economic institutions and organisations. “In 2014, the BRICS accounted for more than 40% of the world’s population and one-third of global GDP in PPP terms” (IMF 2014), a figure nearly equal to that of the G7. As the fastest-growing economies, the BRICS countries are often portrayed as engines of global economic recovery. Thus, “from 2001 to 2017, the average economic growth rate of BRICS was 7.1%”, which is 3.3 percentage points higher than the global average (Zhongxiu and Qingxin 2020, 40).

Therefore, BRICS represents an organisation whose activities are not the product of isolated summits and other meetings at which declarations are merely adopted, and common positions in the field of international economics and foreign policy are formulated. The genesis of this organisation leads to the conclusion that its activities have involved a synergy of different approaches aimed at achieving the shared goals and interests of its member states in international economic and political relations. This interest is embodied in the general aspiration

to halt the political predominance of the United States of America and Western Europe, as well as to promote de-dollarisation, which is the most significant instrument for eliminating the economic hegemony of major powers over smaller states.¹

The activities of BRICS are based on a platform that emerged from annual meetings and on adopted documents defining the organisation's further development. The BRICS summit in Sanya is significant for determining the strategy for its future actions. It envisaged the establishment of two new economic mechanisms: amendments to the existing "drawing rights" system and the creation of national BRICS-linked stock exchanges. It was emphasised that the introduction of drawing rights would enable overcoming the existing, markedly unjust treatment of BRICS member states within the IMF, as they receive far fewer financial resources than other countries, proportionate to their population size. This is the consequence of an unevenly distributed quota system and decision-making procedures within the IMF, which deprive certain countries (predominantly BRICS members) of greater access to financial resources.²

At its establishment, BRICS was conceived as an appropriate instrument for protecting the economic interests of its member states. The organisation has the potential to serve as an "integrator" and "consolidator" by promoting the idea of multipolarity, thereby addressing the issue of "insufficient representation" of non-Western states. In this

² This is further evidenced by Article 16 of the III BRIC Summit Sanya Declaration, which states the need to build an international reserve currency system that would ensure the security and stability of the global economy (BRICS Leaders Meeting 2011).

³ "Namely, during the two five-year periods of the first decade of the 21st century, there were no general quota reviews, although significant changes were taking place in the global economy at that time. These changes primarily relate to the strengthening of the international positions of the economies of China, Russia, India, and Brazil, which, together with South Africa, are members of the BRICS group (The BRICS Report 2012). Therefore, a 100% increase in quotas requires changes in the relative shares within total quotas and, consequently, in voting power in the Fund. With the agreement on changes in quota distribution and the implementation of the decision on their Fourteenth General Review, China will become the third-largest country in terms of voting power in the Fund, after the United States and Japan. Furthermore, four BRICS countries – China, India, Russia, and Brazil – will rank among the ten members with the largest quotas, accounting for over 50% of total voting power" (Gnjatović 2015, 44).

regard, the need to consolidate economic and lobbying resources within international organisations is also emphasised. Therefore, the BRICS Plus initiative proposed by China in 2017 is of decisive importance for the further development of international relations (Arapova and Lissovolic 2021, 193).

The common denominator of the BRICS summits held thus far is reflected in the consideration of a broad spectrum of topics and issues faced by states in international economic and political relations. Summarising the available materials from the BRICS summits, several vital areas of the organisation's activity can be identified (see: Stojković 2019, 31–34):

- Finance and central banking, within which finance ministers and central bank governors convene to consider directions for future development. They also participate in the sessions of the IMF, the World Bank, the UN, and other international organisations.
- Trade represents an essential field of activity and mutual linkage among the BRICS states. While ministers responsible for trade participate in sessions of the World Trade Organisation, a Contact Group on Economic and Trade Issues has also been established to propose institutional frameworks and concrete measures for cooperation among BRICS member states.
- Business cooperation among BRICS member states began in 2010, and since then, meetings have been held regularly before BRICS state summits, serving further to deepen cooperation in the areas of trade and finance.
- Academic cooperation and think tank council meetings are held once a year. The think tank council was established in 2013, and its work involves experts from various profiles and orientations, representatives of scientific institutions, and reputable non-governmental organisations.
- Health policy, protection, and insurance constitute areas of particular interest to every state and every individual. For this reason, the BRICS countries have expressed their determination to increase public health expenditures, since excessive reliance on private financing of health services negatively affects the health of large segments of the population in poorer countries. Thus, in Brazil, private financing accounts for 54 per cent of total health expenditure; in China, 44%; in the Russian Federation, 69%; in India, 40%; and in South Africa, 52% (D Rao *et al.* 2014, 430).

- Science and technology occupy a special place in the attention of BRICS member states. Since 2014, cooperation among the countries within this organisation in the fields of science and technology has intensified. Scientific discoveries are primarily linked to research in oceanography, with realistic expectations that polar research, studies of Antarctica, and the world's oceans will yield significant results. Within the overall framework of scientific cooperation, the BRICS countries have also launched initiatives for university networking aimed at developing joint postgraduate and doctoral programs, accompanied by joint research projects in the principal areas of cooperation (Kubota 2020, 104).
- Global security has become an increasingly pressing issue to which BRICS member states devote due attention. At the BRICS summit held after the annexation of Crimea by the Russian Federation, the importance of protecting the population of Crimea was emphasised, as well as the necessity of establishing dialogue to resolve the crisis in Syria, with political representatives of Syria playing a significant role in any future dialogue (Abdenur 2017, 82).
- Agriculture is regarded as a development potential of BRICS member states, particularly in less developed countries, where healthy food represents a vital resource. “A liberalised trade policy can reduce poverty and food shortages, as seen in Latin American countries.” Although BRICS comprises the largest developing countries, researchers appear to agree that trade openness will have a positive effect on economic growth. Indeed, trade liberalisation “leads to the efficient use of agricultural resources” (Sharma 2012, 1–2).
- Statistics constitute an indispensable segment of cooperation among BRICS member states. BRICS Joint Statistical Publication is the official title of the periodical that has been published within the framework of this organisation since 2010. It is the result of joint efforts by Brazil, Russia, India, China, and South Africa, with one BRICS member state issuing the publication each year. In this way, comprehensive statistical data on the leading socio-economic indicators and trends in member countries are presented. To date, the BRICS countries have published a total of 13 annual statistical editions (BRICS JSP 2024, 2), and the data contained therein are regarded as reference indicators, serving both as measures of the current state of affairs and as guides for future action in various social, political, and economic spheres.

THE FUTURE OF BRICS AND INDIA'S ROLE WITHIN IT

Projecting the future development of BRICS is not possible without analysing the organisation's contributions to the economic development of its member states thus far. Based on economic indicators, one may observe a trend of growth in domestic economies and an increase in their export orientation, grounded in the fundamental principles and platform of the BRICS. If indicators of development and/or decline in global gross domestic product are compared between BRICS member states and non-members (in this case, the G7), it may be concluded that in 2022, BRICS accounted for 31.67% of global GDP, and the G7 for 30.31%. A significant factor in further strengthening the economic role of BRICS member states is the process of de-dollarisation in international financial flows. In this regard, the gradual introduction of financing and lending in domestic currencies is critical, with the New Development Bank (NDB), better known as the BRICS Bank, playing a key role. However, the process of de-dollarisation cannot be implemented in the short term, given that decades-long dependence on this currency has left deep traces in national economies (Siljković and Denić 2024, 285).

The advantages of the BRICS cannot be viewed solely in economic terms. Although important, the economy is not the only field of activity of this organisation at present, nor is it expected to be so in the future. The expansion of the forms and areas of cooperation among BRICS states is also confirmed by the most recent Declaration adopted at the session in Kazan, which calls on the organisation to strengthen multilateralism to establish a more just and democratic world order. The construction of a multipolar world order would enable the emergence of new centres of power, political decision-making processes, and economic growth, thereby opening the way to a more just, democratic, and balanced global order. Bearing in mind the need to adapt to the current architecture of international relations, BRICS members in this Declaration reaffirmed their commitment to respect for international law, including the "goals and principles enshrined in the Charter of the United Nations." The BRICS states "emphasize the central role of the United Nations in the international system, in which sovereign states cooperate to maintain international peace and security", act in pursuit of sustainable development, promote and protect democratic values, human rights, and fundamental freedoms for all, and engage in cooperation

on the principles of solidarity, “mutual respect, justice, and equality” (BRICS Summit 2024, 2).

The current global security situation, triggered by the special military operation in Ukraine, has further stimulated cooperation among BRICS states, which state that in the future they will strive to establish a more just security system aimed at protecting smaller countries from global hegemons. In this regard, the BRICS does not restrict membership in its organisation to states outside existing military alliances, including NATO members. This primarily concerns Turkey, whose president has expressed the desire for his country to become a full member of BRICS. Therefore, the security dimension of BRICS is among the most significant projections of the organisation’s future activities.

India’s role within BRICS is strategic, given that it is the world’s most populous country and the fastest-growing major economy. Accordingly, its role is and will remain demographic, strategic, political, and civilizational. On the one hand, this helps dispel Western political prejudices regarding India’s potential; on the other, it strengthens BRICS by positioning India at the forefront of the Global South and other “developing countries.” This indeed corresponds to the role and continuation of India’s traditional policy of non-alignment, which seeks political and economic balance and demands autonomy in relations with major powers.

Russian analysts viewed India’s entry into BRICS as natural and expected, beneficial both to BRICS as a platform and to India as a state, particularly in trade, infrastructure, and finance. It should not be forgotten that India is a full participant in the work of the New Development Bank, which finances projects of importance for BRICS member states, supports the reform of international financial institutions so that they reflect the contemporary distribution of economic power, and thereby enables India to achieve increasing independence from Western financial centers while strengthening cooperation among developing countries (Дас Кунду 2025).

India has now been a member of BRICS for a full sixteen years, participating in dialogue on global security, the fight against terrorism, and the preservation of state sovereignty. At the same time, India often assumes the position of a balancing factor in the clash between the West and the East, calling for cooperation rather than the deepening of conflict, maintaining a moderate stance, and striving to ensure that

BRICS does not become a bloc opposed to the West, but rather a forum for cooperation (Kumar 2023, 21).

The factors of cultural tradition and civilizational distinctiveness are also influential in India and within the BRICS. At the same time, this country, with its rich cultural history, suffered for centuries under Western colonial powers, which exploited it in every sense – political, economic, and cultural. In recent decades, India has turned toward self-development, investing substantial resources in the IT sector, strengthening its military capabilities (including nuclear), supporting its population, and combating social anomalies (*Дас Кунду* 2025).

From this, it may be concluded that India's role within BRICS is dynamic, multi-layered, and endowed with significant potential for the future. India, once a colonised and subjugated country, is now one of the world's powers, shaping history and possessing the objective capacity to effect change, regulate processes, and promote development. It is expected that, in the future, India will become an even more critical factor in shaping interstate relations and a key contributor to the global distribution of power.

COOPERATION BETWEEN INDIA AND SERBIA WITHIN THE BRICS

Cooperation between states must be grounded in real needs, existing capacities, and traditional ties. In this way, a complex relationship emerges that should encompass the full breadth of the political, economic, military, cultural, and sporting dimensions of interstate relations. It is worth recalling the words of Indian Prime Minister Manmohan Singh, who, following the BRICS summit in Brasília, particularly emphasised: “We are four large countries with abundant resources, large populations, and diverse societies. We seek rapid growth for ourselves and an external environment conducive to our developmental goals. Our people expect us to work together to ensure their social and economic development. Our grouping includes two of the world's largest energy producers and two of its largest consumers” (Proroković 2024, 44). Therefore, the platform for future cooperation between other states and India, whether within or outside the BRICS organisation, must take into account its traditions, natural and human resources, and economic potential.

Initially, within Yugoslavia, and subsequently as an independent state, Serbia developed economic cooperation with India. This

cooperation is based on the needs of both states, as well as on the competitive prices of products and services from which the economic rationale for deepening cooperation derives.

Cooperation between Serbia and India is realised in the fields of economics, science, education, healthcare, and agriculture. It is therefore necessary to outline the scope of existing cooperation and the opportunities to further enhance it on the BRICS platform in the aforementioned areas. This implies the development of relations of mutual trust based on the equality of both parties.

In 2023, India's economy ranked fifth in the world at 3.7 trillion US dollars, preceded in the previous year by the United States (26.9 trillion), China (17.7 trillion), Germany (4.4 trillion), and Japan (4.2 trillion), according to the IMF (IMF 2024). The establishment of deeper economic cooperation between states generally follows the development of good political relations, which open the door to business communities. This is also the case with Serbia, where the current political leadership, through its carefully considered policy, acknowledges international political and economic realities. "The President of the Republic, Aleksandar Vučić, then serving as Prime Minister, paid a visit to India in January 2017. President Vučić's visit to India represented a historic turning point in our overall bilateral relations. That visit widely opened the door for significant deepening of cooperation in all areas, particularly in the field of political dialogue – visits at the highest and high levels – and the economy" (Marić 2021, 25).

The possibilities for cooperation between Serbia and India are founded upon trade liberalisation, thereby achieving economic progress within the BRICS environment. Contemporary economic research also demonstrates the importance of analysing panel data to more clearly determine the relationship between trade liberalisation and economic growth (Dekkiche and Laila 2024, 106). Based on these research results, key attributes of economic cooperation between Serbia and India on the BRICS platform may be formulated. These include:

- political stability;
- the establishment of business ties;
- the reduction or complete elimination of import-export tariffs and other barriers;
- investment in capital projects within the countries and joint participation at the international level;
- trade in goods and services in national currencies;

- due consideration of the specific economic conditions and interests of both states.

Cooperation in the fields of science and education occurs at several levels, based on interstate agreements and inter-university collaboration. Serbia and India have significant opportunities to improve their educational systems through cooperation in science and technology, medicine, economics, ecology, law, and other fields. In this regard, organising thematic conferences under the BRICS platform is advisable. Within them, fields of cooperation in science and education may be identified and subsequently defined. “In this respect, the Indian private healthcare system had already enjoyed a significant advantage. The latest assessments by Frost & Sullivan experts that India is the most promising global economy in the healthcare sector, with an unlimited, continuously expanding market, speak for themselves. The company disclosed that the Indian healthcare industry reached nearly \$ 40 billion in 2010. If it continues at that pace, expectations are that it will reach an astonishing 280 billion US dollars by 2020. This growth is supported by enormous investments in Indian healthcare infrastructure, particularly in healthcare human capital and modern information technologies (IT). The estimated value of investments, according to the same report, amounted to an incredible 244 million US dollars. Expectations are that in the following decade, for the same purposes, investments (both domestic and foreign) would average over 20% of their current value” (Totic 2014, 58).

The healthcare system thus established in India may serve as a model for future healthcare reform in Serbia. A transition to private practice implies a significantly more regulated system that prevents potential abuses. If one considers that a certain number of Indian nationals are employed in Serbia, the establishment of an adequate healthcare system would stimulate greater engagement of Indian labour, particularly in sectors where shortages are felt. The BRICS platform, founded on equality in interstate cooperation, creates favourable frameworks for further deepening cooperation in healthcare as well.

Nor should cooperation between Serbia and India in agriculture be overlooked. Agriculture constitutes a crucial productive sector in every country, and since food is the product of agricultural activity, it becomes a strategic branch of production in populous nations. The World Trade Organisation likewise considers the encouragement of agricultural

development at the global level to be of great importance.⁴ India belongs to a group of countries that have developed high agricultural productivity. Thus, in 2011–2012, it achieved a record grain output of 256.2 million tons, and, according to the then Minister of Agriculture (Sharad Pawar), the production of wheat, rice, and cotton in India reached a 60-year high. The importance of the agricultural output for Indian society is further reflected in the fact that agriculture accounts for 18.1% of India's gross domestic product (Ganesan and Maran 2022).

Based on the data presented, India's determination to provide its population with the highest possible food quantities at prices compatible with its standard of living is evident. In this regard, the exchange of agricultural products between Serbia and India may proceed on the basis of mutual satisfaction of needs and interests. The BRICS platform precisely enables an equal relationship in trade and helps avoid large deficits in commodity-money exchange. Large deficits primarily arise under conditions of unequal relations, and it is in overcoming such imbalances that BRICS member states perceive their interest and the need for further expansion of this organisation. Such an approach prevents excessive borrowing from global financial institutions under unfavourable conditions.

An essential dimension of cooperation between Serbia and India in agriculture is the exchange of experience and professional personnel, which may lead to new projects to produce healthy food in both countries. Serbia can offer India its expertise in making healthy food, particularly fruits and vegetables. This implies joint investments in new projects focused on improving existing methods of agricultural production. Interstate cooperation may also include the exchange of highly qualified personnel, technological achievements, and systems for the primary and secondary processing of grains, fruits, and vegetables. The potential of Serbia and India in the aforementioned segments of agricultural development, with the full support of other BRICS member states, represents a guarantee of a better and more secure future for both countries.

⁴ “The continuation of negotiations on agriculture within the framework of the World Trade Organisation was initiated at the end of March 2000 (as envisaged by the Agreement), within special sessions of the Committee on Agriculture. At the Ministerial Conference held in Doha in November 2001, a new round of negotiations was launched, and agriculture became part of that single undertaking (very significant and always controversial)” (Prekajac 2005, 59).

CONCLUSION

Following the Cold War, the triumph of the liberal democratic concept at the end of the 1980s and the beginning of the 1990s led to the United States becoming the global hegemon. In addition to political dominance, the economy represents an essential instrument for the establishment and maintenance of international power. Under such circumstances, even larger states become inferior, as reflected in a general decline in their populations' living standards. It was for this reason that the BRICS platform was established in 2009, advancing the idea of correcting injustice and transforming a unipolar world into a multipolar one.

India is one of the most populous countries in the world, whose economic, political, and military power grows year by year, and has been part of the BRICS platform for 16 years. As a country that, for centuries, was oppressed and colonised by Western powers, it is now a decisive factor in international relations. The strength of India's influence and role within BRICS is also reflected in its role as a conciliator in international relations, insisting that the West and the East should cooperate rather than deepen conflicts.

Economic cooperation between Serbia and India, based on the BRICS platform, represents a novelty that opens vast opportunities for both countries. The platform of this organisation is founded upon equality among states, the gradual abandonment of the dollar, the establishment of the BRICS Bank, trade in national currencies, and related measures. Although cooperation is not limited to specific sectors, India and Serbia may primarily develop collaboration in economics, education, science, healthcare, and agriculture. In each of these areas, it is possible to establish firm ties that will transcend the mere exchange of goods and services, taking a further step toward joint investments in capital projects.

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МОГУЋНОСТИ САРАДЊЕ СРБИЈЕ И ИНДИЈЕ НА ПЛАТФОРМИ БРИКСА

Резиме

Билатерални и мултилатерални односи у међународној заједници представљају темеље политичког, економског, војног, културног и сваког другог облика повезивања држава. На овим основама се граде правци будућег развоја сваке земље која настоји да унапреди свој међународни положај, ојача одбрамбене капацитете, али и увећа бруто друштвени производ и општи стандард својих грађана. Прошле, постојеће, али и претпостављене међународне околности пројектују будуће правце политичких и економских кретања сваке земље. Ипак, без обзира на варијабилне односе у међународној заједници, свака земља настоји да обезбеди повољније политичке, економске и друге облике сарадње на платформи одређених модела. Они се успостављају у оквиру постојећих, као и новооснованих регионалних и међународних организација. У том погледу БРИКС неоспорно представља новум који се заснива на отпору постојећем светском економском и политичком поретку утемељеном на доминацији долара као светске валуте и САД као водеће економске, политичке и војне силе. Иако релативно млада организација, БРИКС представља модел сарадње растућег броја земаља које желе да створе нов економски, а несумњиво и другачији међународни политички поредак. У таквој констелацији снага, Србија настоји да унапреди економску сарадњу са чланицама БРИКСА. Зато је на тој основи могуће указати на могућности сарадње Индије и Србије на платформи БРИКСА.

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Кључне речи: БРИКС, Индија, Србија, економска сарадња, међународни уговори

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“SERBS OF MOSAIC FAITH”: AN ANALYSIS OF DAVID A. KOEN’S “ORATIONS” AS A MODEL FOR NATIONAL INTEGRATION OF JEWS

Abstract

This article presents an analysis of the formation and discursive structure of texts collected in the book *Orations Dedicated to the Serb Youth of Mosaic Faith*, as a reflection of a particular project of integration of the Jewish population into the framework of the Serbian nation towards the end of the 19th century. Based on the theoretical foundations of Rogers Brubaker and Siniša Malešević, the key ideological elements of such a project are identified, which allows for gaining insights both about the scope of conceptualising nationality immediately following the formation of a nation-state in the Balkans and the ways in which representatives of minority groups could present themselves as potential participants in shaping such conceptions. Following a contextualist approach, the analysis aims at uncovering a “political language”, one significantly informed by particular socio-political relations on the basis of which it may be (and may have been) possible to understand the nation and nationhood at a particular time and place.

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Keywords: Jewish integration, national integration, Serbs of Mosaic faith, David A. Koen, Serbian nationalism, political languages

INTRODUCTION

The process of the emergence of early modern Serbia as a nation-state in the latter part of the 19th century was likewise accompanied by processes of delineating the Serbian national community on which the state would rely and claim as its own. Depending on the specific conception of the national community, different groups could remain outside the limits of the nation, yet still within the limits of the state, which confronted them with an unstable position and potential exclusion from various political processes. The Jewish population, present from antiquity in the areas of the independent Serbian state established following the Congress of Berlin in 1878 (Lebl 2001, 1), presented just such a group which could be left outside the dominant conception of “Serbhood,” differing from the majority population by faith, language, and particular cultural heritage. An example of resistance to such an exclusion of Jews from the Serb nation and an attempt to redefine it towards a more inclusive model can be found in the work of David A. Koen (1854–1915), reflected in his numerous speeches collected in the book *Orations Dedicated to Serb Youth of Mosaic Faith*.

The notion of “Serbs of Mosaic Faith,” which is developed in Koen’s speeches, merits analytical attention from the standpoint of studying nationalism, and the formation of nation-states in the Balkans, inasmuch as it represents a rarely examined form of direct intervention into the broader societal understanding of the requirements for membership in a nation. The approach to studying nationalism as ideology, developed by Siniša Malešević, points to an analysis of the conceptual structure of argumentation that specific actors present in order to create and maintain the nation as a concrete political project. By relying on such an approach, this article aims to highlight the main ideological elements in Koen’s *Orations*, precisely by viewing the ideological formulation of “Serbs of Mosaic faith” as a sort of political project directed towards the national integration of the Jewish population into the broader project of Serbian nationalism.

Malešević's emphasis on examining the discursive element of national ideologies may be more clearly analytically anchored by the contextualist approach associated with the study of the history of political thought. One of the most prominent representatives of contextualism, John Pocock, keenly highlighted that various social environments produce their respective "languages" which may be deployed to discuss politics, and that obtaining a grasp of such languages is a necessary condition of understanding the social act which the political text (spoken or written) represents (Pocock 2009, 3–19). The specific ideological repertoire which Koen developed in the course of his orations is not merely a reflection of an individual's particular national ideology, but also the socio-historical context in which it appeared as a speech and political act: Serbia towards the end of the 19th and beginning of the 20th century, as well as the position of its Jewish population. By means of a closer identification of the context in which Koen's ideological "language" finds its meaning and its audience, the understanding of available discursive elements it relies on is deepened, as is that of the possible reach of such an integrationist project in its own time.

METHODOLOGICAL NOTES: NATIONAL INTEGRATION AS LINGUISTIC PRACTICE

National integration, defined as the process by which groups wholly or partly merge into national societies so as to support the political organization of the national state (Birch 2012, 36–51), is a fertile area for the study of ideological and discursive practices that, in the process, essentially (re)define the boundaries of the notion of a particular nation. Given the theoretical perspective of nationalism theorists who place these practices at the centre of their study of nationalism as the "dominant ideology of modernity" (Malešević 2006, 5) or as the prevailing framework for understanding social reality (Brubaker 2004), there is a tendency to devote most of the attention to elite or institutional actors who are socially positioned to most influence the dominant understanding of the national.

Focusing on elite actors, although necessary for understanding the direction of national ideologies, marginalises actors who have a much weaker capacity to carry out their discursive interventions at the level of broader social practices. Given their position, such actors cannot be seen as equal participants in the process of building a national ideology,

but it is precisely by analysing the discourses they develop from a position of marginality that the conceptual boundaries and unexplored discursive spaces which implicitly arise within its framework can be better established.

When it comes to minority groups, the term “national integration” denotes a different process from the consolidation of a national group around common, majority-held characteristics. As Brubaker notes, the periods immediately following the establishment of nation-states in Europe are characterized by “nationalising” policies of the state elite, aimed at the national homogenisation of the population in accordance with very specific ethno-cultural definitions (Brubaker 2009, 5). Those parts of the population that remain outside these ethno-cultural boundaries, not covered by the homogenising efforts, can be subjected to, but also opt for, a number of strategies in the context of such nationalism. One of these strategies, national integration, means a certain expansion of the ethno-cultural definition of the nation in order to include previously excluded groups, essentially striving to remove the very categories on the basis of which they were excluded as definitive for the nation, while fully acceding to all other necessary categories. In Brubaker’s terminology, national integration in such a case can be considered a political goal that implies certain changes in the policy of nationalisation, with the requirement that the minority group in question be included in it. The discursive acts of Koen’s Orations are considered, for the purposes of this article, as precisely such a type of social intervention.

Such a view of national integration is in line with one of Brubaker’s fundamental theoretical assumptions, that of nations as a constructed and highly variable category of practice (Brubaker 2009, 7), liable to be changed across time and space through deliberate political action. In contrast with more static conceptions of nations, this view assumes a degree of openness in (re)defining the limits and content of the nation, according to their capacity to affect political change, as exemplified by Koen himself. While this is a definite move towards a “constructionist” approach to nationhood, it is important to stress that such an approach is not completely open-ended. The element of the context, a mainstay of the previously noted contextualist method in the history of political thought, establishes the limits of possible constructions. Like Pocock, representatives of this school share a common stress on political texts as “speech acts” embodied in a concrete social milieu in order to arrive at

plausible explanations of authorial intent and potential impact (Charette and Skjönsberg 2020). Despite divergences between authors grouped under the contextualist label, this shared theoretical orientation informs the present analysis as a more specific complement to Malešević and Brubaker's general insights on nationalism.

The use of linguistic analysis is thus evidently necessary not only because of the author's inability to address the wider community from an elite position, but also in order to study the possibilities of discursive strategies used within an implicit attempt to change the prevailing national ideology, yet with a clear perspective of belonging to the majority nation. The very fact that a particular author assumes the possibility of such a change, speaking and writing in his own historical context, is revealing of historically possible directions not only of the conceptualization of Serbian nationality in the 19th and early 20th centuries, but also of national self-understanding and political advocacy of Jewish minorities of the same period.

DAVID A. KOEN'S SOCIO-POLITICAL CONTEXT

Relations between Serbian nationalism and Jewry

The political examination of the position of Jews in Serbia is closely linked to the very process of its emergence as a modern state. Restrictions on the rights of Jews by the Serbian authorities appeared as early as the time of formal autonomy within the Ottoman Empire, that is, with the political rise of the Constitutionalists (*Ustavobranitelji*, serb. trans.). As part of their agitation against the rule of Prince Miloš Obrenović, the Constitutionalist program also included the adoption of anti-Jewish regulations due to the competition that Jewish merchants represented to the strata on which the Constitutionalists relied (Hrabak 2009, 317). The essential class basis of this conflict between the early Serbian economic elite and the Jews, in the course of which the former also referred to the national difference of the Jews in relation to the Serbs (Hrabak 2009, 319), already in this period influenced the consolidation of these differences as national, since it was precisely this economic elite that was poised to shape the directions of the national ideology.

The calls to suppress the activities of Jewish merchants, which found their expression in state regulations, therefore simultaneously reinforced the conceptual and legal separation of Jews and Serbs.

Developing beyond purely economic competition, at the beginning of the second reign of Prince Mihailo Obrenović in 1860, this separation and the “foreign” character of the Jewish population were also emphasized by the leader of the Serbian liberals, Jevrem Grujić, who made use of the cause of “national liberation from foreigners” (Radenić 1992, 9–10). The separation was, however, also emphasized by the Jews in Belgrade themselves during the same period, as shown by their petitions to the prince on behalf of the “Israelite nation dwelling in Serbia” requesting equal civil rights with the Serbs (Lebl 2001, 98–99). This period also saw the emergence of provocative articles against Jews in the newspaper *Svetovid*, whereby anti-Semitic tropes also became part of public discourse in Serbian society (Lebl 2001, 117–124).

During the negotiations at the Berlin Congress of 1878, the legal equality of Jews was set as a precondition for international recognition of Serbia’s independence, at the initiative of Waddington, the French delegate, which was largely accepted by other European powers, with the notable exception of Russia (Hrabak 2009, 413). Although the Serbian leadership proclaimed itself committed to implementing the provisions and thus gained international recognition of the new state immediately after the Congress, in practice, it was only ten years later, thanks to various political disputes, that this issue was truly resolved in favour of full equality with the new constitution of 1888. Public discussion on this issue was marked both by the perception of interference by foreign governments and non-governmental actors such as the Alliance Israélite Universelle, and by the use of anti-Semitism by the political opposition to the government of Jovan Ristić (Lebl 2001, 146–148).

In addition to purely political leaders, a significant contribution to the shaping of the Serbian national program in the religious sphere should also be attributed to the Serbian Orthodox Church. Before gaining state independence, Serbs on both sides of the Ottoman-Habsburg border were grouped according to their faith into Orthodox millets (in the case of the late Ottoman Empire), or under the jurisdiction of the Karlov patriarchs (in the case of the Habsburg Monarchy). Although neither the millet system nor the Serbian Orthodox Church in the Habsburg territories still represents expressions of national institutions within the multiethnic empires, their existence did influence the future inclusion of Orthodoxy as an integral part of Serbianness in the national sense. With the acquisition of autonomy within the Ottoman Empire, an initiative for an autocephalous Serbian Church was launched, as part of a broader

process of transforming the Church into a national institution that would participate in the construction of a nation-state (Falina 2023, 26–29). Although the Church itself was increasingly subordinated to state authorities in the process of state-building, its closeness to the national project in a very religiously homogeneous Serbia until the beginning of the 20th century was also expressed through the discursive repertoire of national ideology, emphasizing the saintly character of Serbian medieval rulers and the religious dimension of the myth of the Battle of Kosovo (Falina 2023, 29–30). The introduction of Orthodoxy as a feature of national "Serbhood", although not directly creating a negative attitude towards the Jewish population, did contribute to its exclusion from the mainstream of observation of Serbian nationality. It is important to note here that the church hierarchy itself had a relatively minor part in this process, yet due to the long-standing connection between Eastern Orthodoxy and the Church it is not possible to disregard it as a channel of dissemination of the nascent dominant ideology.

This brief overview of the main factors that shaped the relationship of Jews towards Serbian nationality in the late 19th century provides a framework for understanding the context in which David A. Koen's Orations were written. Primarily, it becomes clear that the inclusion of Jews in Serbian nationality represented a significant innovation in a conceptual sense, not only because of the absence of previous attempts to do so, but also because of the closeness of "Serbhood" with adherence to the Serbian Orthodox Church. This study of the content of Orations is thus directed towards exploring interventions aimed at reshaping and conceptually expanding the Serbian national project so that the Jewish population of Serbia would come to be included in it.

Biographical background

Biographical information about David A. Koen has been little studied in historiography to date, with only a small amount of information being repeated in various historiographical sources. According to the earliest available source, Koen was born in 1854 in Belgrade and became the first lawyer among Belgrade's Jews, graduating from the Faculty of Law at the Great School in Belgrade (Hrček 2014, 85). According to the same source, Koen also sent the manuscript of the Orations to Milan Đ. Milićević, who was already a well-known cultural and scientific figure at the time. According to the text of his Orations and according

to Ženi Lebl, on the occasion of the official emancipation of Jews in Serbia following the promulgation of the 1888 Constitution, he visited several cities, including Niš, primarily with the aim of raising funds for impoverished high school students and the Serbian-Jewish Youth Association (Lebl 2003, 137–152). After publishing the Orations, Koen published the book *God Protects Serbia: The Apotheosis of Serbian Genius in the Light of Religion* in 1915, only to be shortly thereafter arrested during the Bulgarian wartime occupation of Niš and, according to available sources, likely executed (Hrček 2014, 86).

Despite the limited availability of biographical data, which constitutes a significant part of the contextualist approach in the history of political thought, it is possible to roughly establish the social context of Koen's life. The most significant factors, his legal profession and the recorded correspondence with Milićević as a prominent intellectual, testify to the possibility of accessing the education and language characteristic of the emerging stratum of intellectuals in Serbia at the end of the 19th century. While he himself did not belong to the commercial or political elite of the majority group, such proximity to the cultural or intellectual elite, clearly evident from the very fact of a legal education and practice, for the purposes of this research can be considered as an important determinant for the intellectual formation of a certain conception of national integration.

THE NATIONAL THOUGHT OF DAVID A. KOEN

Conceptual organisation of society

Starting from the introductory remarks in his book of orations, Koen devotes himself to what Malešević calls the “conceptual organization of society,” that is, the discursive presentation of the foundations of society in which he develops his own ideological intervention. In accordance with the integrative orientation implied by the very use of the term “Serbs of Mosaic faith,” Koen seeks to present the closeness and possibility of Jewish integration through a significant emphasis on the love of freedom and tolerance within Serbian society, but also as part of the national character.

The first of the principal themes that Koen repeatedly utilises is precisely that of a “completely tolerant fatherland of Serbia” (Koen 1897, 3). The role of “tolerance” in Koen's verbal repertoire extends in equal

measure to the state itself, its population, and also to the rulers, regardless of the person serving as head of state. The discourse of tolerance is closely linked to the broader concept of "progress" understood in accordance with Enlightenment principles. Thus, for Koen, Serbia is permeated by "the spirit of equality, freedom, and brotherhood without distinction of religion or nationality" (Koen 1897, 8), indirectly alluding to the recognizable themes of the French Revolution of 1789. Koen locates the very origins of this Serbian tolerance in different places and in different aspects of his understanding of "Serbhood"; on occasions of religious significance, it may be the recognition of monotheistic unity and the expression of Christian principles among the majority Orthodox people (Koen 1897, 9), at other times it may be the "skilfulness of mind" of the Serbian people, but also a constitutional-legal achievement as an expression of deep convictions that do not stem exclusively from qualities of character (Koen 1897, 33).

Another theme that characterizes Koen's descriptions of Serbian society is a link to the main current of the existing Serbian national project: the heroism and suffering of the Serbian people in the struggle for national aims. These themes, although not directly related to Jewish matters, are significant in underpinning the general patriotic character of the Orations, which simultaneously call on the majority population to recognize Jews as compatriots, and Jews to accede to a nation with such qualities. For these purposes, Koen does not merely repeatedly emphasise heroism, endurance, and perseverance as features of the Serbian national character, but also reaches for themes such as the Battle of Kosovo (Koen 1897, 30), which were already represented in Serbian national rhetoric at that time.

A significant place in Koen's image of Serbian society is also reserved for his emphasis on religion as an all-pervading factor in the structure of the nation and society. In addition to tolerance and marked morality, the Serbian nation is conceived as a distinctly religious one, with an exclusively positive relationship towards that religiosity. The fact that the author locates religious affiliation as the only potential point of separation between the "Serbs of Mosaic faith" and the rest of the Serbian nation does not lead him to neglect religious discourse in favour of emphasizing other common features, but rather to highlight the greatest possible unity on this issue as well. Thus, the religious component in Koen's understanding of "Serbhood" is not Eastern Orthodox Christianity, but the monotheistic and Old Testament heritage

that it shares with Judaism. Emphasising a more broadly understood belief in God as part of the national program, while insisting that it is the same God for both religious communities (Koen 1897, 9), this discursive move testifies both to the impossibility of conceptually separating religious discourse from national discourse in the given context, and to the recognition of its integrative and mobilizing value within one's own program of national integration.

Religious language also leads to the occasional use of religious themes in the legitimisation not only of the nation-state and its leadership, but also of specific political goals such as "Piedmontist" ambitions for territorial expansion. King Aleksandar Obrenović is thus portrayed as "the great Serb ordained by God", while patriotism is defined as "the ideal, divinely-given, and most sacred fanaticism" (Koen 1897, 31). The expansion of the state's territory, in the name of "the unification of Serbdom", on the basis of religious language also takes on a somewhat messianic character, articulated as part of the mission entrusted to the Serb people by God, with the aim of advancing humanity and glorifying God's splendour and honour (Koen 1897, 61).

Individual and collective actors

Koen's conception of "Serbs of Mosaic faith" assumes significant roles for two collective actors, namely Jews and the majority Serb population, as well as for individual actors embodied in the contemporaneous leaders of the Serbian state. Although according to the title of the book, the orations as such are primarily addressed to Jewish youth in Serbia, in practice, they were delivered publicly, in front of mixed audiences, which shaped the spectrum of political messages conveyed on these occasions. Recognising that these were two audiences, despite the author's efforts to integrate them into a single national community, the occasions on which he primarily addresses Jews are recognisably distinct, as opposed to those in which he addresses Serbs in the narrowest sense.

When it comes to Jews, or rather "Serbs of Moses," "Serbian Jews," or "Serbs of Mosaic faith," Koen positions them as a group that needs to realise or "become conscious" of their belonging to the national community and makes various normative demands of them. Thus, in the case of a speech on the occasion of raising funds for the construction of a synagogue in Šabac, Koen demands that Jews must take equal

part in "sacrifices" for the purpose of "maintaining and improving our national and state survival", which would include their use of Serbian as their mother tongue, and that, in addition to their faith, "they cherish within themselves in the main the same thoughts and feelings as all other Serbs in this country" (Koen 1897, 18–20). The "Serbs of Mosaic faith" themselves thus participate in their own integration not as a group of foreigners who are to be included in the nation, but through a "recognition" of their own a priori belonging to the Serbian national and state community by means of appropriate signs of patriotism.

Serbian rulers, both historical and Koen's contemporaries, appear as significant actors in the Orations. The role of rulers is seen in Koen's national ideology as significant both for the construction of the state itself, the nation, and the national spirit, and for the more specific program of national integration being developed by Koen himself. Prince Miloš Obrenović thus has the role of "the people's savior" (Koen 1897, 51), but also of the ruler who displayed "unparalleled tolerance" towards the Mosaic Serbs (Koen 1897, 42). The entire Obrenović dynasty, yet also the regency government during the minority of King Alexander (Koen 1897, 43), are therefore presented as simultaneously crucial actors in the national revival and guaranteeing freedom and tolerance towards the Jewish population, which, according to Koen, are mutually inseparable goals.

Characteristics and use of Koen's language

In line with the author's already indicated orientation towards Serbian nationalism and patriotism, the language of Koen's Orations is largely in line with the formulations already present in Serbian national thought of his time. During the latter half of the 19th century, Serbian intellectuals, building on the work of Vuk Karadžić and Petar II Petrović Njegoš, integrated a certain corpus of traditional epic poetry and mythological-historical themes into the discursive repertoire of the national program (Pavlović and Atanasovski 2016, 357–376). In Koen's Orations, these themes are consistently used in defining Serbian national heritage and value orientation. This included the aforementioned Battle of Kosovo, but also a wider range of themes such as Stefan Nemanja as the founder of Serbian statehood (Koen 1897, 29), Prince Marko as a national hero (Koen 1897, 59), and warmth and exuberance as

characteristics of the national character expressed in folk songs and traditions (Koen 1897, 50).

Another significant element of Koen's "language of nationality" is reflected in the importance it assigns to the role of Serbia as the "Piedmont of the East", that is, the centre of the future "unification of Serbdom" (Koen 1897, 62). As Siniša Malešević points out, this "Piedmontist" discourse in Serbian nationalism, aimed at expanding state borders to areas designated as populated by ethnic Serbs, emerged among Serbian intellectuals in the latter half of the 19th century, although it took decades for it to become established outside elite circles (Malešević 2017, 129–150). The presence of such a discourse in Koen's Orations indicates his familiarity with the prevailing currents of national thought, as well as the positioning of his integrationist program in relation to the dominant discourses of the social elite.

The discourse of tolerance and Enlightenment principles, already mentioned as one of the organizing principles of Serbian society, also merits attention as a linguistic choice adapted to the author's integrationist aspirations. In contrast to the adaptation of motifs from medieval history and folkloric heritage, the intellectual legacy of the Enlightenment, especially the Enlightenment conceptions of the nation and citizen, is linked to the very beginnings of the modern national program and the First Serbian Uprising, embodied in influential figures such as Dositej Obradović and Božidar Grujović (alias Teodor Filipović) (Markovich 2013, 209–254). Religious tolerance and the process of including minority religious groups within the nation, as one of the achievements of the French Revolution of 1789, could not have had the same importance in a religiously highly homogeneous Serbia of the first half of the 19th century, in which pre-national patterns of identification followed religious lines, and the subsequent national assimilation of linguistic and ethnic minorities primarily affected those belonging to Eastern Orthodox Christianity (Markovich 2011). However, the very legitimation of these ideas within the national program opened up space for stressing religious tolerance as an integral part of an enlightened Serbian society.

Koen's use of Enlightenment discourse is not isolated from more general laudatory statements about the Serbian people, such as "gifted, tolerant, brave-hearted, and yet devoted to equality and freedom" (Koen 1897, 22), nor is there a noticeable change in its use depending on the composition of the audience before which it was used. The normative

power of Koen's Enlightenment statements is not rooted in a rationalistic explanation or invocation of concepts such as natural law – instead, it is premised on the idea that the values of the Enlightenment are already inherent in the Serbian national character, and do not have to be learned or understood, but are simply spontaneously expressed at certain historical moments. In this way, the integration of religious minorities, which had previously been a relatively less significant theme in a religiously almost homogeneous political community, is not presented as an innovation, but rather an "innate" characteristic of the nation, the realisation of which fulfils the normative requirements of "Serbhood" in the sense of national belonging.

In Koen's addresses, the audience is referred to as "brothers" and "fellow-tribesmen" in almost every speech, regardless of whether the audience is Jewish, Eastern Orthodox, or mixed. This language of "kinship," however, does not reflect a highly developed ethnic and/or biological conception of Serb nationality in the text of the speeches themselves. Koen's willingness to present the "Mosaic Serbs" as "brothers" to all other Serbs does not indicate an implicit recognition of differences in ethnic and, especially, linguistic origin. Although "brothers" in principle, Jews are also referred to as those who "faithfully profess the religion of their forefathers," which separates them from the majority population, while calls for integration by learning the Serbian language and "education in the Serb spirit" also point to clear differences, at least in their initial position, from the mainstream of Serbian folk culture. The reference to prominent Jews in other nation-states and the affirmation of their true affiliation with local nationalities also points to a notion of nationality that is not rigidly ethnically defined through actual kinship ties with the rest of the national community (Koen 1897, 21).

The fact that Koen does not directly elaborate, in any of his speeches, on the exact meaning of this "brotherhood" and "tribal kinship," as well as the aforementioned choice to define certain traits as innate, does not leave sufficient space for establishing their crucial role in his understanding of the common basis of the Serb nation. Even without clearer definitions in the text itself, this ambiguity points to Rogers Brubaker's broader theoretical remarks on the analytical futility of rigidly distinguishing "ethnic" from "civic" nationalism. Problematizing the use of analytically insufficiently examined boundaries between these concepts, Brubaker argues that their ideal-typical, abstract origin, especially when attempting to categorize different "nationalisms" from

case to case, leads either to groupings that are too heterogeneous to be analytically useful, or to too few examples in which it is possible to make a clear division (Brubaker 2004, 132–146). Koen's parallel use of discursive elements that would, in these abstract models, correspond to both types does not, therefore, actually represent contradictions inherent in his thought but rather testifies to the need for a more open perspective on a much broader spectrum of possible linguistic strategies within the framework of his political project.

Lastly, beyond conceptual considerations, the mobilizing and affective power of the language of kinship is entirely consistent with Koen's integrationist perspective, as another form of overcoming differences and stressing the essential unity between minority and majority groups. As a rule, it is precisely such language that is used in calls for displays of national unity, exemplified by declarations of loyalty to the ruling dynasty or predictions of a general national revival.

Relationship with counter-ideologies

Malešević's theoretical framework also includes an exploration of the place of counter-ideologies in the articulation of national ideology, including both those that are potentially "friendly" and those that represent a direct threat (Malešević 2006, 76). In accordance with the integrationist perspective on Koen's sermons, it is possible to label as counter-ideologies those ideological tendencies that were opposed to the political project of including Jews in the broader corpus of the Serbian nation.

The text of Koen's Orations itself does not contain extensive polemical reflections on perceived rival ideologies, insofar as the ideas and practices against which there is a notable critical attitude are not actually presented as a recognizable set of ideas about social reality and action within it, nor as part of the thoughts of certain individuals or organized groups. Instead, what comes closest to Malešević's definition of counter-ideologies are certain phenomena that the author indirectly defines as contrary to the goal of national integration.

The first of these practices refers to the repeatedly mentioned "prejudices inherited from tradition", a term by which Koen designates, in the broadest sense, opposition to the enlightened and tolerant tendencies which he previously equated with the Serb national spirit. Moreover, these "prejudices" are not defined according to their content

or by their representatives, but it is notable that Koen attributes them primarily to his own Jewish community, contrasting them with the ideas of his "Serbian-Jewish Youth Association" (Koen 1897, 4). The second, closely related practice refers to the use of "uncultured Spanish" (Koen 1897, 19), as Koen refers to the Ladino language traditionally spoken by Sephardic Jews, the main group of Jews in Serbia at that time. Given the importance attributed to the adoption of the Serbian language as part of integration, this critical attitude towards a minority language is understandable, although Koen does not argue that its use is part of conscious resistance to integrationist ideas, but rather that it is a consequence of the insufficient education of "women and the elderly" and that it will disappear in the near future.

The peculiarity of Koen's speeches as a reflection of a political program is also reflected in its tacit confrontation with another national program that found its supporters among his contemporaries, prominent individuals in the South Slavic Jewish communities – Zionism. Namely, the year of publication of the book of Koen's speeches was also the year of the first Zionist Congress in Basel, organized primarily through the efforts of Theodor Herzl. At the Congress, David Alkalaj from Belgrade participated as the only representative of Jews from Serbia, and upon his return, he founded the Jewish national association "Zion" (Ristović 2016, 26–50). Offering a completely different conception of the national identity of all Jews, including Serbian ones, the ideology of Zionism advocated the establishment of a Jewish nation and a corresponding national state. Given the historical significance of the Zionist movement in the following decades and its spread among the Jewish communities in Serbia and the first Yugoslav state, Koen's speeches in this context also represent an example of an ideological shibboleth in the attitude of Serbian Jews towards their own national identity.

CONCLUSION

In studying the process of formation and development of modern nationalism in Serbia and the Balkans, the perspective on nationalism as a specific political ideology directs research towards the study of specific discourses, messages, and concepts on which such an ideology would rest and be maintained as a process. Tracing the connection between social status and the possibility of significant or decisive influence on this process, various theorists focus on the role of elite actors, called

“dominant social actors” by Malešević or “ethnopolitical entrepreneurs” by Brubaker (Malešević 2006, 75; Brubaker 2004, 2). While such a focus provides the clearest insights into the main ideological currents of different nationalisms, shifting the focus towards both the social and intellectual margins of the nation-building process can broaden the understanding of possible directions for the development of the notion of “the national” at particular historical moments, as well as more clearly establish the minimal criteria – both ideological and social – for participation in that process.

David A. Koen’s *Orations Dedicated to the Serb Youth of Mosaic Faith* is precisely one such example of discursive practice from the margins of the broader Serbian national project. Aimed at the integration of the Jewish population into this project, an analysis of the language used points to key points of unity that the author considers necessary for such integration, and to the available linguistic strategies for justifying and advocating for it. The result is a mixture of different, distinct themes, from highlighting a positive national character, invoking an emerging national mythology and supporting the territorial expansion of the nation-state to encompass the entire represented national space, to emphasising tolerance and educational values as the most important for the very possibility of integrating a religious minority, to obliquely condemning traditional practices as a product of backwardness. The issue of Jewish affiliation with the Serb nation is also, in several places, posed as an already existing fact of which one can “become conscious”, implying that the integration project is conceptually already realised, although it also needs to be promoted through measures such as adequate national education of Jews.

Above all, the centrality of the state, its structure, and its rulers, whose descriptions are usually also suffused with religious language, largely confirms Rogers Brubaker’s two aforementioned theses. First, by striving for national homogenization through integration, Koen’s interventions fit into the “nationalizing” discourse in an already established nation-state as the key point of political mobilization and the practice by which it can be sustained. Second, the mixing of seemingly contradictory discourses, such as romantic ideas about the national spirit and tribal kinship on the one hand, as well as the Enlightenment principles of constitutional tolerance and citizenship as the foundation of nationality on the other, testifies to the need for a more nuanced attitude towards a too rigid distinction between “ethnic” and “civic” notions of

the nation in analytical endeavours. Bearing in mind these characteristics of a minority actor's understanding of the national, these findings justify further research on the extent to which these themes were also grounded in the mainstream of national thought, whose bearers came from the elite strata of the cultural-ethnic and religious majority of 19th century Serbia. With regards to potential counter-ideologies, this research also marks out the starting points for studying the conceptual tensions between Zionism and national integration into the Serbian nation as two ideological orientations within the same minority community, whose beginnings can be traced back to almost the same historical moment.

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„СРБИ МОЈСИЈЕВЕ ВЕРЕ”: АНАЛИЗА „БЕСЕДА” ДАВИДА А. КОЕНА КАО МОДЕЛА ЗА НАЦИОНАЛНУ ИНТЕГРАЦИЈУ ЈЕВРЕЈА

Резиме

У раду је представљена анализа скупа беседа, које је под насловом „Беседе: посвећене српској омладини Мојсијеве вере” објавио рабин Давид А. Коен 1897. године, као једног модела националне интеграције Јевреја настањених на подручју тадашње Србије у пројекат настајуће српске нације. Теоретски утемељена на увидима о национализму и настанку нације које су развили Синиша Малешевић и Роцерс Брубекер, ова анализа подразумева да је и (ре)дефинисање граница и садржаја српске нације политички процес подложен различитим индивидуалним и институционалним интервенцијама, а везан најпре за настанак модерне српске државе у XIX веку. Ослањајући се на методолошке препоруке тзв. контекстуалистичке школе у историји политичке мисли, велика пажња је посвећена политичком и друштвеном контексту у којем се аутор налазио и који умногоме објашњава његов простор и капацитет да путем својих беседа и текстова интервенише у циљу укључења Јевреја у српски национални пројекат под геслом „Србија Мојсијеве вере”, односно „Срба мојсијеваца”. Након осврта на друштвени положај Јевреја и релативно малобројне биографске податке који упућују на Коенов изразити патриотизам, анализи се подвргава сам садржај текстова. При дефинисању српског друштва у целини, показује се да код Коена преовлађује истицање толерантности, моралности и побожности Срба, те и снажна подршка владару на челу саме државе. У осврту на саме Јевреје у Србији, Коен истиче потребу њиховог „освешћивања” о свом статусу као Срба и укључењу у све токове српског друштва, док се на већинску групу (православних) Срба једнако апелује да препознају чињеницу јеврејске припадности српству. Коенов језик показује изразити патриотски карактер, али и

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двосмислено и наизменично коришћење како језика рационалности и просвећености типичног за просветитељску мисао, тако и језика саплеменства, братства и псеудомесијанства, што одржава променљивости и противречности у националном дискурсу уопште, често и у оквиру истог текста. Коенове „Беседе” тако показују један пример покушаја проширивања националног дискурса са позиције мањинског, неинституционалног актера. Њихов значај се огледа не само у осветљавању мање познатих примера у развоју српског националног дискурса, већ и у указивању на интелектуалне ресурсе на које се једна таква интервенција могла ослонити у Србији крајем XIX века. Она такође показује да је, бар начелно, у времену и месту ауторовог стварања постојао концептуални простор за такву интервенцију, иако је у потоњим годинама и вековима он значајно сужен. Таквим закључком се, између осталог, поткрепљује полазна теза о променљивости националности као политичког процеса и отвара простор за сложенији приступ проучавању развоја како српске, тако и јеврејске националне припадности на простору Србије.

Кључне речи: јеврејска интеграција, национална интеграција, Срби Мојсијеве Вере, Давид А. Коен, српски национализам, политички језик

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KOSOVO* SPECIALIST CHAMBERS: ORIGINS, LEGAL NATURE, AND POLITICAL ROLE IN THE CONTEXT OF TRANSITIONAL JUSTICE

Abstract

This paper examines the legal nature and institutional framework of the Kosovo Specialist Chambers and the Office of the Specialist Prosecutor. The author offers a critical analysis of the establishment process, institutional structure, and political function of the Specialist Chambers, with particular emphasis on the role of the European Union in their creation and operational activities. The study also addresses the key jurisprudential challenges these institutions face. Special attention is devoted to the functioning to date of the Specialist Chambers and the Office of the Specialist Prosecutor – institutions established within the legal system of the self-proclaimed Republic of Kosovo, mandated to investigate and prosecute serious crimes committed in Kosovo and Metohija between 1998 and 2000. The methodological framework of the paper includes both normative and critical methods, with the aim of determining the legal nature and re-examining the functioning of these institutions through the analysis of international legal instruments. In addition to the positivist legal approach, the paper also presents a critical theoretical framework.

Keywords: Kosovo* Specialist Chambers, EU, Kosovo and Metohija, transitional justice, criminal responsibility

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INTRODUCTION

Within the territory of the Autonomous Province of Kosovo* and Metohija – currently under temporary international administration established by United Nations Security Council Resolution 1244 (UNSC, S/RES/1244) and forming an integral part of the Republic of Serbia – a distinct judicial institution has been operating since 2015: the Kosovo Specialist Chambers (KSC) and the Specialist Prosecutor’s Office (SPO). The KSC and SPO constitute a unique judicial structure that transcends the framework established by the international legal status of Kosovo and Metohija, as they derive from the internal legal order of the self-proclaimed Republic of Kosovo. These bodies are mandated to investigate and prosecute crimes committed on the territory of Kosovo and Metohija during the period from 1998 to 2000. Although formally part of the Kosovar judicial system, the KSC and SPO were established as a result of the implementation of obligations and recommendations of regional intergovernmental organizations, primarily the Council of Europe and the European Union. Their operation is marked by a degree of internationalization, reflected in the engagement of international judges and the relocation of the Court’s seat outside the territory of Kosovo and Metohija, to The Hague.

The legal nature and institutional framework of the KSC and SPO determine their characteristics, functioning, and classification. This raises the question of whether their legal nature is international, hybrid, or domestic. In this context, the paper will analyze the legality of their establishment and operation, as well as assess their performance, the “judicial policy” pursued by the Court and the Prosecutor’s Office, and consider key jurisprudential challenges they face. The methodological framework of this study encompasses several methods aimed at analyzing and critically assessing a legal institution. First, the historical method was employed to illuminate the historical context surrounding the formation and development of judicial institutions in Kosovo and Metohija. Subsequently, the content analysis method was used to interpret legal instruments, political agreements, and other documents. Such a normative positivist legal approach facilitated insight into the key provisions of judicial documents and international acts, which are

* All references to Kosovo in this document should be understood to be in the context of United Nations Security Council Resolution 1244 (1999).

later examined from a critical perspective. The core of the study is the case study method, focusing on the establishment and operation of the judicial institution known as the Specialist Chambers of Kosovo. Through comparative analysis, this work seeks to position the Specialist Chambers within the spectrum of international and domestic judicial institutions, comparing it with other similar bodies. Finally, the study is framed within a critical theoretical framework, particularly through the concepts of transitional justice and “political justice.”

THEORETICAL AND NORMATIVE FOUNDATIONS: TRANSITIONAL JUSTICE AND EU ENGAGEMENT

The concept of transitional justice encompasses “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of largescale past abuses, in order to ensure accountability, serve justice and achieve reconciliation” (United Nations [UN] 2010, 2). These mechanisms include both judicial and non-judicial approaches, such as international engagement at various levels, the prosecution of responsible individuals, reparations, institutional reform, etc. Within the paradigm of transitional justice, there are multiple approaches to achieving its goals. Notably, there exists a duality between the retributive and restorative models of accomplishing the aims of transitional justice. The retributive model is grounded in individual responsibility and appropriate punishment for perpetrators of criminal acts, which is considered essential for the realization of justice. Conversely, the restorative model focuses on the processes of reconciliation and peacebuilding, as well as reparations for victims and the establishment of truth. These two models are complementary in nature, and only through their synergy can meaningful results be attained (Hermann 2017). Therefore, the United Nations opts for a holistic approach that combines the principles of retributive and restorative justice (United Nations [UN] 2023). Furthermore, for the purpose of this study, it is important to emphasize the distinction between domestic (e.g., national courts, truth commissions, etc.), international (e.g., ICTY, ICTR), and hybrid implementations of transitional justice, which will be discussed in the chapter concerning the legal nature of the Specialist Chambers of Kosovo.

The development and popularization of transitional justice have been significantly encouraged by the establishment of *ad hoc* tribunals for

the former Yugoslavia (ICTY) and Rwanda (ICTR). The implementation of transitional justice, as well as the concept itself, has been the subject of criticism and contestation for various reasons. Among other concerns, scholars point to the lack of objective and universal justice, while the concept is often seen as favoring forms of “Europeanization,” “liberalization,” and “democratization,” which inherently involve deeply political and ideological dimensions (Đurković 2022, 135).¹ Although international justice closely follows the (political) trajectory of the general international legal order (Gajić 2019, 102), the question arises as to what extent transitional justice can be “stretched” for political purposes while still remaining justice (Đurković 2022, 136). It is also reasonable to assert that political influences on international criminal justice have a dual effect: the intrusion of politics is both a burden for international criminal law and a prerequisite for its very existence (Ristivojević 2011, 206). The ICTY has been critically assessed by parts of the scholarly community as an example of the instrumentalization of justice for (geo) political purposes and as a tool for historical construction, aligning with the concept of “political justice” as formulated by Kirchheimer (Đurković 2022, 155).² In this regard, the concrete instrumentalization of the concept of political justice can also be observed in the establishment and operation of a new judicial institution – the Specialist Prosecutor’s Office and the Kosovo Specialist Chambers. The Specialist Chambers

¹ With the chosen title of this paper, “The Kosovo Specialist Chambers: Origins, Institutional Framework, and Political Role in the Context of Transitional Justice,” we aim to critically examine transitional justice as an ideologically driven framework for reshaping post-conflict societies in accordance with the political interests of international actors.

² Otto Kirchheimer (a student of Carl Schmitt and a representative of the Frankfurt School) developed the concept of “political justice” in his work *Political Justice: The Use of Legal Procedure for Political Ends* (Kirchheimer 1961). Political justice, according to Kirchheimer, refers to situations in which judicial forums and procedures, rather than serving as impartial means of dispute resolution, are instrumentalized to achieve political objectives, whether through the elimination of opponents, the legitimization of authority, or the construction of narratives (Rheinstein 1962). Under the influence of Max Weber, Kirchheimer emphasizes that an order is sustainable only if it is perceived as legitimate, and that courts are the most suitable instrument for legitimizing that order, regardless of whether it is just or unjust (Rheinstein 1962, 199–200). For the discussion on the expansion of the concept of political justice to the concept of geopolitical justice, see: Đurković 2022, 135.

and the Specialist Prosecutor's Office of Kosovo belong to the domestic model characterized predominantly by retributive transitional justice, without involvement of the broader societal and historical dimensions of the conflict under adjudication.³ Despite efforts by certain academic and political actors to portray these institutions as international in character, the Specialist Chambers and the Specialist Prosecutor's Office, when viewed through the lens of their legal nature, do not belong to the international legal order, but rather to the domestic judicial system of the self-proclaimed Republic of Kosovo as will be discussed in more detail in the following chapters.

The European Union has played a significant role in distributing criminal justice in the region. Its involvement in this area was primarily reflected in the mechanism of conditionality, requiring the countries of the "Western Balkans" to cooperate with the ICTY as part of the stabilization and association process. One of the key conditions for Serbia's EU membership was ensuring full cooperation with the Tribunal, which included cooperation with the ICTY Prosecutor's Office and the extradition of members of the former state leadership. The EU continued its engagement in the field of criminal accountability through support for the establishment and operation of the War Crimes Department at the Court of Bosnia and Herzegovina,⁴ as well as the Kosovo Specialist Chambers. Unlike the ICTY as an international institution, these bodies

³ The enforcement of this limited procedural "justice," supported by the European Union, appears to amount merely to the fulfillment of formal requirements (in the spirit of "ticking the box") without genuine commitment to establishing the full truth. To prevent justice from becoming a ritualized process of adjudication marked by overt political influences, in the author's opinion, it is imperative to incorporate the restorative approach, which aligns more closely with the comprehensive goals of transitional justice.

⁴ The War Crimes Department of the Court of Bosnia and Herzegovina was established in 2005 with the aim of prosecuting war crimes committed during the conflict in Bosnia and Herzegovina from 1992 to 1995. The establishment of this department was the result of the transfer of cases from the ICTY to domestic courts, in accordance with the Tribunal's completion strategy. The Department is composed of both domestic and international judges and prosecutors and operates within the judicial system of Bosnia and Herzegovina (Ivanišević 2008). Its creation marked a significant step in the localization of international criminal justice and was supported by the European Union, both institutionally and financially. For more information on the EU's activities in the field of justice in Bosnia and Herzegovina, see website of European External Action Service (see: European External Action Service n.d.).

were established within domestic judicial systems – of Bosnia and Herzegovina and the self-proclaimed Republic of Kosovo – with direct institutional and financial support from the EU.

These examples represent a unique case in which the European Union, within the framework of its Common Foreign and Security Policy, directly supports the establishment and functioning of national specialized courts. This is particularly significant given that EU law does not confer direct competence in the field of criminal law, but instead provides only for minimum standards and cooperation mechanisms in criminal matters (such as through Eurojust, Europol, and similar bodies). Despite the provisions of Articles 82 and 83 of the Treaty on the Functioning of the European Union, which establish limited and narrowly defined competences for the EU in this area, substantive criminal law and criminal justice systems remain primarily within the jurisdiction of the Member States or international courts and tribunals (Consolidated version of the Treaty on the Functioning of the European Union [TFEU] 2016, Art. 82 and 83).

POLITICAL AND INSTITUTIONAL CONTEXT OF THE DEVELOPMENT OF JUDICIAL INSTITUTIONS IN KOSOVO AND METOHİJA

Although the history of the institutional crisis in Kosovo and Metohija reaches far into the past, this chapter will focus on the more immediate political context surrounding the development of judicial institutions in Kosovo and Metohija from the end of the armed conflict in 1999 to the establishment of the KSC and the SPO. At the outset, it is necessary to highlight the beginning of the escalation of violence in the southern Serbian province, marked by an increase in terrorist activities carried out by the so-called Kosovo Liberation Army (KLA) (Proroković and Lađevac 2018, 171). The culmination of violence occurred between 1998 and 1999, when the so-called KLA declared the start of armed struggle for Kosovo's independence. Until the end of the NATO aggression against the Federal Republic of Yugoslavia and the signing of the Kumanovo Agreement in 1999 (Military Technical Agreement between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia, signed at Kumanovo on June 9, 1999), the Republic of Serbia maintained full institutional authority over Kosovo and Metohija. The

Kumanovo Agreement provided for the withdrawal of Yugoslav army and police forces from Kosovo and the entry of KFOR troops. In the same year, the UN Security Council adopted Resolution 1244, which defined the status of Kosovo and Metohija as a territory under international administration within the Republic of Serbia. The United Nations Interim Administration Mission in Kosovo (UNMIK) assumed overall responsibility for establishing peace and building institutions, with its primary objective being to assist, through an international institutional and legal framework, in finding a “desirable solution for Kosovo’s future status” (Surlić i Lazarević 2023, 121). During the mandate of UNMIK in Kosovo and Metohija, violence against the Serbian ethnic community did not cease, as evidenced by frequent attacks on Serbian civilians and religious sites of the Serbian Orthodox Church,⁵ among which the most notable are the bombing of the “Niš Express” bus in 2001 and the March Pogrom of 2004.⁶

⁵ According to recorded data, a total of 127 Serbian Orthodox Christian religious sites have been damaged, destroyed, or desecrated in Kosovo and Metohija since 1999. In addition, numerous Serbian cemeteries across the region have been vandalized, with some even being converted into illegal waste disposal sites. To date, no comprehensive documentary video archive has been established to systematically document these incidents. Archival footage by Ninoslav Randelović shows medieval Serbian Orthodox religious sites desecrated after 1999. A documentary video containing this invaluable archival material is available at: Randjelovic 2025.

⁶ In the case of the bombing of the Niš Express bus, which was transporting Serbian returnees under KFOR escort from Niš to the enclave of Gračanica, 12 Serbian civilians perished, including a two-year-old child (Kosovo Online 2025). The March Pogrom constitutes an ethnic cleansing of Serbs and other non-Albanian communities from Kosovo and Metohija, during which Albanian extremists and former members of the so-called KLA ethnically cleansed six towns and ten villages in Kosovo and Metohija. According to official UN and OSCE reports, during the March 2004 violence in Kosovo and Metohija, 29 Serbian Orthodox churches and monasteries were burnt or desecrated, including 18 monuments of special cultural significance, and approximately 4.100 inhabitants were expelled from their homes within 48 hours (United Nations Security Council [UNSC] 2004); Organization for Security and Co-operation in Europe [OSCE] 2004). The mass destruction of Serbian registry and land books, significant traces of Serbian millennial presence in Kosovo and Metohija, also continued. Approximately 51.000 Albanians participated in acts of violence against Serbs and other non-Albanian populations, while international forces remained passive observers of the violence and exodus (Novosti 2014). Regarding the lack of preparedness and disinterest of international forces in investigating and prosecuting crimes, particularly against the Serbian population, it is noted that by the end of June 2004 about 270 individuals

In accordance with UNMIK Regulation No. 2000/64 of December 15, 2000, on the Assignment of International Judges/Prosecutors and/or Change of Venue, hybrid judicial panels of mixed composition were established with the aim of prosecuting war crimes in Kosovo and Metohija (UNMIK, REG/2000/64). During the mandate of this judicial body from 2000 to 2008, UNMIK initiated a significant number of trials; however, the investigative results were modest, as only one individual received a conviction.⁷ According to reports by Human Rights Watch, the judiciary was the least efficient component of the international administration in Kosovo and Metohija. Criticism was directed at poor case management, passivity of the police and prosecution services, problems in coordination between the Kosovo police and UNMIK forces, the absence of adequate witness protection, as well as the inability to conduct investigations against members of UNMIK and KFOR (Human Rights Watch [HRW] 2007) which fostered a perception of the “untouchables” and undermined the rule of law (Lukić, Lađevac, i Jović-Lazić 2010, 68). Moreover, insufficient progress was noted in

were arrested on suspicion of committing criminal acts such as murder, arson, theft, breaches of public order, and other offenses during the two days of March violence. By the end of August, 80 individuals were convicted with sentences ranging from reprimands and fines up to 200 euros, to imprisonment from two to six months (Lukić, Lađevac, i Jović-Lazić 2010, 67). Nevertheless, Florim Ejupi was arrested in Tirana the same year on terrorism charges in the case of the Niš Express bus bombing. He was extradited to UNMIK but later escaped from the American military base Bondsteel near Uroševac. After being re-arrested in Tirana, he was returned to UNMIK, whose judicial panels found him guilty and sentenced him to 40 years in prison for terrorism (Bureau of Democracy, Human Rights and Labor 2009). However, after the establishment of the EULEX mandate, Ejupi’s case was reopened. The EU mission acquitted him in the appeals process, citing lack of evidence (EULEX 2009). UN special rapporteurs informed the Secretary-General about the absence of the rule of law and disregard for international standards in Kosovo. Since the international community did not take any measures, it appeared that the UN accepted justifications by the Kosovo Police Service, attributing the main problem to the unwillingness of citizens to cooperate with the police (Lukić, Lađevac, i Jović-Lazić 2010, 68).

⁷ The most notable case heard before the UNMIK panel involved the prosecution of suspects related to the Drenovac camp (2006). The panel in the first instance convicted three former members of the so-called Kosovo Liberation Army for war crimes against Kosovo Albanians in the Drenovac camp in 1998; however, all were acquitted on appeal. Furthermore, the murder of a witness in this case remains unresolved (Bureau of Democracy, Human Rights and Labor 2009).

the investigation and prosecution of perpetrators responsible for crimes during the March Pogrom (HRW 2007, 417).

The Human Rights Advisory Panel (HRAP) of the UNMIK, in its 2016 Final Report (*Final Report of the Human Rights Advisory Panel: History and Legacy, Kosovo, 2007–2016*), emphasized that the UNMIK was responsible for human rights violations, particularly the right to life under Article 2 of the European Convention on Human Rights. According to HRAP's findings, UNMIK failed to investigate disappearances and killings in 233 cases reported to the Panel, which occurred subsequent to the arrival of the UN Mission in Kosovo. Consequently, an apology from UNMIK would be expected in light of its apparent lack of interest in examining the cases of the killed and missing persons (UNMIK 2016, 84).

In February 2008, the institutions in Pristina under the UNMIK mandate adopted a unilateral declaration of independence for Kosovo (Office of the Prime Minister 2008).⁸ In December of the same year, the international framework for the functioning of institutions in Kosovo and Metohija effectively changed. The EU and the UN Secretary-General have agreed to exchange letters, outside the framework of the voting procedure in the Security Council, in which the EU is entrusted with the authority to lead the mission under Resolution 1244 (Doli 2019, 136–137). Instead of UNMIK, the European Union took over the development of judicial institutions in Kosovo and Metohija. Based on the EU Council Joint Action 2008/124/CFSP of February 4, 2008, the European Union Rule of Law Mission in Kosovo (EULEX) was established, assuming the powers of UNMIK (Council of the European Union [CEU] 2008). EULEX commenced its mission on December 9,

⁸ As highlighted by the International Court of Justice (ICJ) in its 2010 advisory opinion (ICJ 2010), "...a group of persons acting together in their capacity as representatives of the people of Kosovo" proclaimed the unilateral secession from the Republic of Serbia (International Court of Justice 2010, par. 109). The Court carefully framed its language to emphasize that the independence was not declared by the official provisional institutions under the UNMIK legal framework but rather by this group acting as representatives of the people of Kosovo (Ilić 2021). Consequently, the ICJ concluded that the unilateral declaration of independence did not violate international law (International Court of Justice 2010, 7). Had the declaration been issued by the Provisional Institutions (e.g., the Assembly of Kosovo), it might have constituted an act outside UNMIK's mandate and likely contrary to UN Security Council Resolution 1244. Although the ICJ's advisory opinion holds moral significance, it is not legally binding.

2008 and represents the largest EU mission in the area of the Common Foreign and Security Policy (Cierco and Reis 2014, 650).

Like the UNMIK mission, the powers of EULEX included responsibilities in the areas of security and police, rule of law, internally displaced persons, as well as the authority to take over investigations and judicial cases from UNMIK and previous judicial panels (European Union Rule of Law Mission in Kosovo [EULEX] 2009). EULEX's work in the judiciary faced numerous criticisms due to problems in court procedures, effectiveness, and especially political bias, along with serious failures in investigations involving prominent "members of the Kosovo political elite" (Capussela 2015). The Organization for Security and Cooperation in Europe (OSCE) mission in Kosovo also highlighted in its 2012 report that "judges are not fully ready to issue verdicts solely based on law but tend to act in advance according to expectations of external influences" (Organization for Security and Cooperation in Europe [OSCE] 2012, 7).

By taking over the mandate from UNMIK, the EU created a situation in which there was no longer an effective UN administration to challenge the institutions of Kosovo and their legitimacy. Although EULEX did not formally contest the UN international legal framework, it acted as a mission friendly toward Kosovo's statehood. By omitting the implementation of the international legal framework, the EU enabled Kosovo's institutions to establish effective control over state functions and exercise sovereign authority, while the EULEX mission became fully integrated into the so-called Kosovo legal system (Doli 2019, 145–146). Over time, the EULEX mission transformed from an executive body to a purely advisory institution; since June 2018, EULEX has exclusively performed an advisory role in building the so-called Kosovo institutions. In the meantime, the KSC and SPO were established in 2015, which is the subject of the next chapter.

In accordance with international law and the UN universal order, UN Security Council Resolution 1244 remains the only generally binding international document regarding the status of Kosovo and Metohija. Within Resolution 1244 and its two annexes, the "territorial integrity and sovereignty" of the Federal Republic of Yugoslavia (FRY) is mentioned six times, as well as the "substantial autonomy" Kosovo is to enjoy within the FRY, i.e., today's Republic of Serbia (Proroković and Ladevac 2018, 174–175).

THE ROLE OF THE COUNCIL OF EUROPE AND THE EUROPEAN UNION IN THE ESTABLISHMENT OF THE KOSOVO SPECIALIST CHAMBERS AND THE SPECIALIST PROSECUTOR'S OFFICE

The idea of prosecuting individuals responsible for crimes committed on the territory of Kosovo and Metohija, as part of a deeper and more thorough investigation, emerged following the allegations made by Dick Marty, the Special Rapporteur of the Council of Europe's Committee on Legal Affairs and Human Rights. These allegations were presented in his report entitled "Inhuman treatment of people and illicit trafficking in human organs in Kosovo," published on December 12, 2010 (Parliamentary Assembly of the Council of Europe [PACE] 2011).⁹ Marty's report also prompted the European Union to initiate an investigation and to condemn international crimes committed on the territory of Kosovo and Metohija, with particular emphasis on the crimes allegedly committed by members of the so-called Kosovo Liberation Army (KLA). Consequently, the process of establishing the Kosovo Specialist Chambers and the Specialist Prosecutor's Office involved two regional organizations – namely, the Council of Europe (CoE) and the European Union (EU) – each of which played a distinct role and made a unique contribution.

In discussing Marty's report, the Parliamentary Assembly of the Council of Europe, in its resolution of January 7, 2011 (hereinafter: "CoE Report"), put forward a number of specific allegations regarding serious violations of international law, including illicit trafficking in human organs, the establishment of secret detention sites where KLA members allegedly subjected Serbian, Albanian, and Roma detainees to

⁹ In the memoirs of former ICTY Prosecutor Carla Del Ponte, it is revealed that she had sought to extend the Tribunal's investigations to include crimes committed by members of the so-called Kosovo Liberation Army, but was met with "friendly advice" not to pursue this course of action (Del Ponte 2009, 276–305). In her memoirs, she stated, inter alia, that she was in possession of evidence indicating that members of the KLA had, before, during, and after the 1998–1999 armed conflict, committed serious crimes with impunity on the territory of Kosovo and Metohija (Del Ponte 2009, 276–305). These crimes included human organ trafficking and other acts associated with organized crime. Among the KLA leaders potentially bearing the greatest responsibility, Hašim Tači is specifically mentioned (Del Ponte 2009, 276–305).

torture and inhuman treatment, unlawful detention, and organized crime, committed during and after the conflict in Kosovo and Metohija. The CoE Report recommended that the “Kosovo authorities” take appropriate steps to investigate and prosecute these crimes (PACE 2011, par. 15). Furthermore, the Assembly called upon the “Kosovo administration” to fully cooperate with the European Union Rule of Law Mission in Kosovo (EULEX) and the authorities of the Republic of Serbia, in order to ensure the effective investigation and prosecution of those responsible (PACE 2011, par. 19.5). Additionally, it recommended that all Council of Europe member states provide legal assistance in ongoing and future war crimes investigations at the request of competent EULEX authorities and the Republic of Serbia (PACE 2011, par. 19.6).

The Council of Europe thereby initiated the process of establishing independent judicial bodies, without, however, prejudging the independent status of Kosovo or recognizing the Kosovo judiciary as a valid framework for prosecuting the alleged crimes. On the contrary, in its report, the Council of Europe explicitly referred to UN Security Council Resolution 1244, which recognizes Kosovo as a part of the Republic of Serbia (PACE 2011, par. 1).¹⁰ Since 2011, within the framework of the EU’s Common Foreign and Security Policy, the EU Political and Security Committee has considered the allegations raised in the Council of Europe’s Report. In order to conduct an “independent investigation,” a Special Investigative Task Force (SITF) was established, operating under the coordination of EULEX. The SITF determined that there was sufficient evidence implicating former senior officials of the so-called KLA in serious violations of international humanitarian law, including crimes against humanity and war crimes (see Chief Prosecutor of the Special Investigative Task Force 2014). The victims were primarily

¹⁰ “All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.” (PACE 2011, 1). At the time of writing this paper, so-called Kosovo has not been officially admitted to the membership of the Council of Europe. The membership application was submitted in May 2022, following the expulsion of the Russian Federation from the organization. In April 2023, the Committee of Ministers of the Council of Europe approved the application of so-called Kosovo and forwarded it to the Parliamentary Assembly for a decision, which voted in favor of the membership recommendation. The final decision on membership is within the competence of the Committee of Ministers, which has not yet made a decision (PACE 2024).

Serbs, Roma, members of other minority communities, and Albanians accused of collaborating with the Serbs or opposing the KLA.

The political foundation for establishing the KSC and the SPO was laid through diplomatic correspondence exchanged between Atifete Jahjaga, who was then serving as the President of the self-declared Republic of Kosovo, and Catherine Ashton, the European Union High Representative for Foreign Affairs and Security Policy (Justice Info 2015). This exchange defined the establishment of a new judicial body that would be an integral part of the Kosovo judicial system (Assembly of the Republic of Kosovo 2014). According to this international agreement, the Chambers were to be composed of international judges – excluding citizens of the so-called Republic of Kosovo – who operate outside the territory of Kosovo, and have their sentences executed abroad (Assembly of the Republic of Kosovo 2014). The agreement also provided for the continuation of the EULEX mission and its assistance in supporting the newly created judicial institutions (Assembly of the Republic of Kosovo 2014). The agreement was ratified by the Assembly of Kosovo in 2014, thereby transferring to the Specialist Chambers all necessary executive powers, jurisdiction, and mandate. It was confirmed that the Chambers would operate on the basis of their own Statute, adopt their own Rules of Procedure and Evidence,¹¹ and be located in a third country (Law on Ratification of the International Agreement Between the Republic of Kosovo and the European Union on the European Union Rule of Law Mission in Kosovo 2015).

The seat of the KSC and the SPO was transferred from Kosovo to the Netherlands through international agreements concluded directly between the Kingdom of the Netherlands and the so-called Republic of Kosovo, without EU mediation.¹² The exchange of diplomatic notes

¹¹ Based on the amendment to the Constitution of Kosovo (Constitution of the Republic of Kosovo 2008, Art. 162), which was confirmed by the Constitutional Court of Kosovo and approved by the Assembly of Kosovo in August 2015, the Law on the Specialized Chambers and the Specialized Prosecutor's Office was adopted. In March 2017, during the first plenary session, the judges of the Specialized Chambers adopted the Rules of Procedure and Evidence, which came into force in July of the same year, after approval by the Specialized Panel of the Constitutional Court. This act marked the commencement of judicial proceedings of the Specialized Chambers (KSC 2017).

¹² Two agreements have been concluded: the Interim Agreement between the Kingdom of the Netherlands and the Republic of Kosovo concerning the Hosting

between the EU and the so-called Republic of Kosovo did not in itself establish the KSC and the SPO as legal institutions, but rather provided the political and legal impetus for their creation within the legal framework of the so-called Kosovo.¹³

THE LEGAL NATURE OF THE KOSOVO SPECIALIST CHAMBERS

Given the procedure by which the KSC and the SPO were established, questions may arise regarding the legal nature of these judicial institutions. Certain authors emphasize their hybrid nature (see: Cimiotta 2016), albeit without providing a clear legal foundation for such classification. Although the functioning of the KSC and SPO includes certain internationalized elements, such as the presence of international judges and a seat outside Kosovo, this alone does not suffice to qualify them as international or hybrid courts.

In criminal justice, one generally distinguishes between national, international, and hybrid courts and tribunals. Due to certain international elements, the KSC may resemble hybrid mechanisms such as the Special Court for Sierra Leone (International Criminal Law Services [ICLS] n.d., 9), the Special Tribunal for Lebanon, or the UNMIK Panels for Serious Crimes in Kosovo. The Special Court for Sierra Leone and the Special Tribunal for Lebanon were established pursuant to UN Security Council Resolutions 1315 (UNSC, S/RES/1315) and 1757 (UNSC,

of the Kosovo Relocated Specialist Judicial Institution in the Netherlands, dated January 26, 2016, and the Agreement between the Kingdom of the Netherlands and the Republic of Kosovo concerning the Hosting of the Kosovo Relocated Specialist Judicial Institution in the Netherlands, dated February 15, 2016. These agreements have not been registered with the UN Secretariat, as Kosovo is not a state under international law (see: Overheid.nl n.d.; Gajić 2023, 235).

¹³ Knowing that the only relevant act regulating the status of Kosovo is UN Security Council Resolution 1244, Brussels is violating international law by treating Kosovo as an independent state. A vivid example of this is the exchange of notes with the so-called Republic of Kosovo concerning the formation of a court within the Kosovo legal system. However, the legitimacy of Brussels' position on Kosovo's independent status can be questioned, as five EU member states do not recognize Kosovo's independence. In this sense, it is noted that the EU has legally failed to create a common stance on the "Kosovo case," and that the establishment of EULEX was the only moment around which member states could agree (Jovanović 2013, 42–47).

S/RES/1757), respectively, while the UNMIK Panels were formed by Regulation 60/2000 of the UNMIK (UNMIK, REG/2000/60). A different model of hybrid justice is found in the Extraordinary Chambers in the Courts of Cambodia (ECCC), established by a bilateral agreement between the United Nations and the Government of Cambodia, and supported by UN General Assembly Resolution 57/228 (UNGA, A/RES/57/228A). These institutions were created to overcome the shortcomings of the ICTY and ICTR and to tailor the judicial response to local political realities, legal traditions, and limited resources. All of the above-mentioned hybrid bodies were created in a peacebuilding context, under the auspices or direct initiative of the United Nations. In contrast, the Kosovo Specialist Chambers and the Specialist Prosecutor's Office were established within a regional political and legal framework, with the European Union playing the leading role through its foreign and security policy. This key distinction sets the KSC and SPO apart from other hybrid judicial mechanisms.

The Kosovo Specialist Chambers consist of four judicial panels designed to parallel the national judicial system, encompassing chambers equivalent to the Basic Court, Court of Appeals, Supreme Court, and Constitutional Court. The Constitutional Court panel serves as the highest authority for interpreting the Constitution of Kosovo in matters within the jurisdiction of the KSC and the SPO (KSC n.d. a). Article 103(7) of the Constitution of Kosovo permits the establishment of "specialized courts," provided they are necessary and lawful, defined as "courts with a specifically delineated scope of jurisdiction, remaining [...] within the existing framework of the judicial system of the Republic of Kosovo and operating [...] in accordance with its principles" (Constitutional Court of the Republic of Kosovo [CCRK], No. K026/15). The KSC issue decisions "in the name of the people of Kosovo," operating under the sovereignty of the so-called Republic of Kosovo, as affirmed by the 2015 decision of the Constitutional Court of Kosovo (CCRK, No. K026/15). These institutions were established pursuant to the Law on Specialist Chambers and Specialist Prosecutor's Office, adopted by the Kosovo Assembly on August 3, 2015 (Law on Specialist Chambers and Specialist Prosecutor's Office 2015). The Specialist Chambers and Prosecutor's Office are temporary bodies mandated to prosecute crimes against humanity, war crimes, and other criminal offenses committed in Kosovo between January 1, 1998, and December 31, 2000 (Law on Specialist Chambers and Specialist Prosecutor's Office 2015, Art. 7).

The European Union's involvement in the establishment and functioning of the KSC and SPO has been primarily through the EULEX.¹⁴ The Republic of Serbia supported the EULEX mandate but with reservations, particularly concerning Kosovo's status. Serbia insisted that EULEX should not replace the UNMIK, which operates under Chapter VII of the UN Charter, and that Kosovo's status should remain subject to UN and international law frameworks. The United Nations acknowledged that EULEX assumed "responsibilities in policing, judiciary, and customs under the general authority of the UN within the framework of UNMIK and pursuant to Security Council Resolution 1244" (UN 2008).

The KSC and SPO are composed exclusively of international judges appointed by the Head of the EULEX Mission, based on recommendations from an independent Selection Commission. This Commission includes two international judges with expertise in international criminal law and one internationally appointed official (KSC n.d. b). The international composition of the KSC and SPO reflects more the international nature of Kosovo's administration rather than the intrinsic character of these judicial bodies themselves (Gajić 2023, 240). Additionally, the name of this institution, the Kosovo Specialist Chambers, indicates its affiliation with the Kosovo national legal order, given that the name is not "Specialist Chambers *for* Kosovo", but rather "*of* Kosovo".

THE CASE OF THE SO-CALLED KLA BEFORE THE KOSOVO SPECIALIST CHAMBERS: THE PURSUIT OF JUSTICE?

While awaiting the first-instance verdicts in the case currently pending before the Specialized Chambers of Kosovo against the former Prime Minister and President of the so-called Republic of Kosovo, Hašim Taçi, and his co-accused, this chapter will reflect on the current activities of the KSC and the SPO. By analyzing procedural documents,

¹⁴ The legal basis for the presence of the EULEX mission is a document entitled "Council Joint Action 2008/124/CFSP," adopted on February 4, 2008. This is the largest civilian mission ever established under the European Union's Common Security and Defence Policy, and its legal basis lies in Articles 14 and 25 of the Treaty on European Union (Williams 2016, 28).

this chapter will also attempt to shed light on the “judicial policy” pursued by this institution.

Regarding jurisdiction for the prosecution of crimes committed on the territory of Kosovo and Metohija, the question arises as to the necessity of establishing a new judicial body, given that at the time of the establishment of the KSC and SPO, the International Criminal Tribunal for the Former Yugoslavia was still actively carrying out its functions,¹⁵ prosecuting the former Prime Minister of the so-called Kosovo and members of the KLA, including Ramuš Haradinaj, Fatmir Limaj, and others, for crimes committed during the Kosovo conflict.¹⁶ The jurisdiction of the ICTY, as defined in Article 1 of the Tribunal’s Statute, encompasses the prosecution of persons responsible for “serious violations of international humanitarian law committed on the territory of the former Yugoslavia after 1 January 1991.” (UNSC, S/RES/827, Art. 1). This means that the territorial jurisdiction of the ICTY covers all former Yugoslav republics, including Kosovo and Metohija, which was an autonomous province of the Republic of Serbia. Furthermore, as stated in Article 1, the ICTY is competent to prosecute perpetrators of crimes committed after January 1, 1991 (UNSC, S/RES/827, Art. 1), which includes the period referred to in the Law on the Specialized Chambers of Kosovo and the Specialized Prosecutor’s Office of Kosovo, namely the period from 1998 to 2000 (Law on Specialist Chambers and Specialist Prosecutor’s Office 2015). The jurisdiction of the ICTY is also affirmed by UN Security Council resolutions, including Resolutions 1160 (UNSC, S/RES/1160), 1203 (UNSC, S/RES/1203), and 1207 (UNSC, S/RES/1207), which call for cooperation with the ICTY regarding investigations in Kosovo.

Currently, several cases are being heard before the KSC, with one of the key cases concerning Hašim Tači, the former Prime Minister of Kosovo and one of the leaders of the so-called KLA. Tači faces two charges under the Law on the Specialized Chambers of Kosovo. The first charge relates to war crimes and crimes against humanity

¹⁵ The ICTY officially concluded its work on December 31, 2017. Following its closure, the remaining functions of the ICTY, including appellate proceedings and the supervision of sentence enforcement, were assumed by the International Residual Mechanism for Criminal Tribunals (IRMCT), which continues to operate in specific cases (UNSC, S/RES/1966).

¹⁶ On the discussion regarding witnesses in this case, see, among others: Frontal.rs 2023.

committed during the 1998–1999 conflict in Kosovo and Metohija (KSC, KSC-BC-2020-06). The trial in this case began on April 3, 2023. Along with Taçi, Kadri Veseli, Redžep Selimi, and Jakup Krasnići are charged with direct involvement in the killings, torture, ill-treatment, enforced disappearances, and persecution of Serbian and other non-Albanian civilians (“opponents of the KLA”) within the framework of the KLA’s activities. The second case was initiated at the end of 2024 and involves charges of obstruction of justice and contempt of Court. According to the Indictment, between April and November 2023, while in detention, Taçi and his co-accused provided confidential information about witnesses to their associates and instructed them to influence testimonies in the main trial for war crimes (KSC, KSC-BC-2023-12).

Crimes for which Taçi and his co-accused are charged took place at several locations in Kosovo and Metohija and in northern Albania, with the victims being individuals referred to in the Indictment as “opponents,” or adversaries of the KLA (KSC, KSC-BC-2020-06, par. 16–17). It is undisputed that behind this unusual terminology lie civilians, i.e., individuals who did not actively participate in hostilities and did not belong to armed forces, the majority of whom were of Serbian descent, but also Roma and ethnic Albanians who did not approve of the terrorist acts of the so-called KLA (KSC, KSC-BC-2020-06, par. 32).

A particularly controversial aspect of the establishment of the new political order in Kosovo is the fact that the UN Security Council had identified the actions of the so-called KLA as acts of terrorism, as noted in UNSC Resolution 1160 dated March 31, 1998 (UNSC, S/RES/1160). This resolution called on the Serbian and Albanian leaderships to “condemn the use of extensive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, as well as all acts of terrorism by the KLA or any other group of individuals and all external support for terrorist activities in Kosovo, including financing, weapons, and training” (UNSC, S/RES/1160). In the Indictment, Resolution 1160 is interpreted in such a way that it calls on the KLA to condemn the terrorist acts of the organization itself: “By 31 March 1998, the conflict had escalated to a degree that the United Nations (‘UN’) Security Council passed Resolution 1160, prohibiting the sale or supply of weapons and related materials to the FRY, calling upon the FRY to take measures to achieve a political solution to the situation in Kosovo, and urging the KLA to condemn terrorist actions and pursue their goals by peaceful means.” (KSC, KSC-BC-2020-06, par. 21).

For this reason, the SPO avoids classifying the nature of the KLA as a terrorist organization and states that the parties to the conflict were, on one hand, the Kosovo Liberation Army, described as “an organized armed group with a sufficient level of organization to control territory, plan and execute synchronized armed attacks and other offensive and defensive military operations” (KSC, KSC-BC-2020-06, par. 19), and on the other hand, “the forces of the FRY and the Republic of Serbia, including units of the Yugoslav Army, police, and other Ministry of Internal Affairs units, and other groups that fought on behalf of the FRY and Serbia (FRY forces)” (KSC, KSC-BC-2020-06, par. 18). Thanks to this formulation in the Indictment, the so-called KLA is promoted as a national liberation or insurgent movement, to which international law extends legal protection as a legitimate non-state entity.

The Republic of Serbia does not recognize the legal framework within which the KSC and SPO were established (the so-called Constitution of Kosovo), and thus any decision made by the KSC would be treated as illegal. The Republic of Serbia may assert its jurisdiction, conduct its own investigation, and prosecute those responsible, including members of the so-called KLA, before national courts, given that the crimes were committed on the territory of the Republic of Serbia and the perpetrators, members of the so-called KLA, were citizens of the Republic of Serbia. Any cooperation between the Republic of Serbia and the KSC or SPO would signify recognition of the Kosovo legal order, and thereby *de facto* recognition of the independence of the self-proclaimed state of Kosovo.

CONCLUSION

The European Union’s policy, manifested through its support for the work of the Specialized Prosecutor’s Office and the Kosovo Specialized Chambers, results in the strengthening of institutional capacities and the legitimacy of Kosovo as an independent state. Such a practice raises the question of whether these mechanisms deliver justice or merely its institutionalized semblance. However, the key issues regarding Kosovo’s international legal status, including the possibility of its recognition as an independent state, cannot be resolved outside the framework of the UN Charter, *i.e.*, outside the Security Council. According to Article 12 of the UN Charter, only the Security Council has the authority to take measures concerning situations that threaten

international peace and security, including deciding on status-related issues in disputed territories (Charter of the United Nations 1945, Art. 12).

Cassese argues that criminal justice rests on principles that transcend national or regional frameworks, as the interest in securing convictions is that of the entire international community (Cassese 1998, 6), as represented in UN bodies.¹⁷ On the other hand, the establishment of universal jurisdiction in criminal justice carries the risk of creating a binding legal system for a “world state” (Gajić 2019, 102). In such a legal-political environment, we believe it would be best to leave criminal justice to national judicial bodies, in this case, the Prosecutor’s Office of the Republic of Serbia.¹⁸

The instrumentalization of the judiciary undermines trust in both state and international institutions and produces general legal uncertainty. In the context of transitional justice, trials for war crimes, crimes against humanity, and other serious crimes carry significance that exceeds the mere establishment of individual responsibility. Establishing the “official historical truth” and legitimizing political orders are often functions of shaping (new) national identities and historical narratives. In this way, the KSC and SPO operate not only in the legal but also in the political-symbolic realm, thus confirming the thesis of political justice as an extension of politics by other means.

¹⁷ Cassese, affirming Kelsen’s position on the necessity of international prosecution of crimes, presents numerous arguments in support of the claim that international criminal justice must be realized exclusively at the international, rather than domestic, level – among other reasons, because “most states view recourse to criminal trials as a political tactic rather than as a principled quest for justice” (Cassese 1998, 6).

¹⁸ The competent judicial bodies are the Office of the War Crimes Prosecutor and the Higher Court in Belgrade. The modest results of these judicial bodies to date are available at the: Javno tužilaštvo za ratne zločine n.d.

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¹⁹ References included in this manuscript do not imply taking a position on status of referenced speakers, which is, as previously stated, in accordance with the UN SC 1244, but serve an analytical purpose.

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СПЕЦИЈАЛИЗОВАНА ВЕЋА КОСОВА*: НАСТАНАК, ПРАВНА ПРИРОДА И ПОЛИТИЧКА УЛОГА У КОНТЕКСТУ ТРАНЗИЦИОНЕ ПРАВДЕ

Резиме

Специјализована већа Косова (СВК) заједно са Канцеларијом специјалног тужиоца (КСТ) чине јединствену правосудну институцију, која функционише на територији Аутономне покрајине Косово и Метохија, која се налази под привременом међународном управом успостављеном Резолуцијом 1244 Савета безбедности УН. Успостављање и рад СВК и КСТ превазилазе оквире утврђене међународним правом које одређује Косово и Метохију у саставу Републике Србије, будући да проистиче из унутрашњег правног поретка самопроглашене „државе Косово”. СВК и КСТ имају мандат да истраже и процесуирају злочине учињене на територији Косова и Метохије у периоду од 1998. до 2000. године. Формално сасвим интегрисани у косовски правосудни систем, ови органи су успостављени као резултат спровођења обавеза и препорука Савета Европе и Европске уније. Рад ових правосудних органа карактерише изванредан степен интернационализације, који отвара дебату о њиховој правној природи. Наиме, да ли је претежни карактер СВК и КСТ хибридни или национални. Међутим, у раду се објашњава да интернационализујући елементи попут иностраних судија нису довољни чиниоци који један суд чине међународним. Управо су међународне судије и други елементи, одраз међународне природе управе на Косову и Метохији. Правна природа и институционални оквир СВК и КСТ одређују карактеристике, рад и класификацију ових органа. У том контексту, рад се бави анализом легалности њиховог оснивања и функционисања, као и оценом досадашњег рада и „правосудне политике” коју воде Суд и Тужилаштво, уз разматрање појединих јуриспруденцијалних изазова са којима се

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суочавају. Анализиране су и кључне одреднице поступака који се воде пред СВК, како би се извео закључак о доследности досадашњег рада. Методолошки оквир рада подразумева нормативни и критички метод, са циљем утврђивања правне природе и преиспитивања рада ових институција, посредством анализе међународних правних инструмената. Поред позитивноправног приступа, у раду је изложен и критички теоријски оквир, кроз појмове транзиционе и „политичке правде”.

Кључне речи: Специјализована већа Косова, ЕУ, Косово и Метохија, транзициона правда, кривична одговорност

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COLORED REVOLUTIONS – CONTEMPORARY FORMS AND EXPERIENCES

INTRODUCTION

From their initial manifestations to the present day, colored revolutions do not represent merely a complex socio–political and security phenomenon. Still, rather an entire conglomerate of ideas, influences, strategies and tactics, means and methods, techniques and activities that penetrate nearly all spheres of contemporary society, striving to gain essential control over it, reshape it, exert decisive influence, or direct its further functioning in a manner that corresponds to the interests of the centers of power behind the organization and implementation of this form of revolutionary action. If this proves unattainable, the objective of coloured revolutions becomes pushing the target state into prolonged instability, potentially even into total and lasting devastation.

In academic theory, the first coloured revolution is considered to have occurred in October 2000 in Serbia through mass actions

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that primarily manifested in the streets and at key state institutions in Belgrade. After the initiators and organizers of that process (for colored revolutions are always processes, not events) achieved their interests in Serbia and tested and validated their previously designed theoretical premises in practice, political coups of this character followed one after another across the entire post-Soviet space, the Middle East, North Africa, and the Far East, under seemingly appealing and romantic hybrid names (combining the term for a form of political violence with an association to something positive, soothing, and beautiful), such as the “Orange Revolution,” the “Rose Revolution,” the “Bulldozer Revolution,” the “Tulip Revolution,” the “Arab Spring,” and similar.

However, the outcomes of all these colored revolutions, as a particular and complex form (or combination of several basic and complex forms simultaneously) of political violence¹, whether in the short or somewhat longer term, essentially amounted to an overt or more perfidious and less easily discernible (and therefore more difficult to overcome) regression of society and its values. This was, as a rule, accompanied by the devastation of national economies, with numerous – usually detrimental – examples of their being handed over to foreign control or subordinated to the interests of foreign significant capital and multinational companies and organizations, as well as the endangerment of national security and stability, primarily through the systematic weakening of state institutions or the consolidation of foreign influence, up to the level of complete domination over domestic intelligence services, the destruction of defense systems, the establishment of parallel (para)security structures, and the like.

¹ It is specific above all because violence in the narrower sense of the word and in its physical manifestation is often not present – especially not on a larger scale or with greater intensity—during the various stages of implementing colour revolutions, nor does it rank among the most essential means for carrying them out. However, experience shows that there are exceptions in this regard. However, in a broader sense and on another level, elements of political violence are indeed present in contemporary forms of attempts to provoke a color revolution, through the blocking of essential traffic routes of local, regional, and international significance, the obstruction of the functioning of institutions and key public enterprises, as well as through restricting the right to freedom of movement and arbitrarily suspending the right to education and work for a significant portion of the population by an aggressive, determined, well-trained, media-supported and “vocal,” indoctrinated, yet also manipulated minority, etc.

In the most extreme cases that we study today, certain states were exposed to years of intense and brutal, highly complex, and ultimately insurmountable social, political, national, religious, and other contradictions with enormous conflict potential, which ultimately resulted in mass bloodshed and wars (Libya, Syria, Ukraine, etc.). Such coloured revolutions drove the target countries to the brink of existence, ruined their vital national interests, and, at the same time, jeopardised the very foundations of their once-stable, sustainable statehood.

NEW MODELS AND PRACTICES IN THE IMPLEMENTATION OF COLORED REVOLUTIONS

Unlike the aforementioned cases, coloured revolutions – following attempts to execute them in Hong Kong in 2019 (Heaton 1970, 840–857), in Belarus in 2020, and in Kazakhstan in 2022 (Luzianin 2005, 7–19) – failed. This may primarily be attributed to the adequate response of the political leaderships, as well as to the professionalism and efficiency of the security apparatuses of the states in which they were attempted, but also to the fact that the security bodies of most countries have become resistant to the previous models and methods of colored revolutions. Building on past examples, they have studied them thoroughly within their analytical centres, understood them at the strategic leadership level, and, on the practical level, developed effective operational and technical measures and mechanisms for counteraction.

For these reasons, the creators, inspirers, and organisers of colored revolutions – generally striving in their offensive approach to remain at least one step ahead of their competitors in target states – have recently begun to devise new strategies in attempts to carry out these forms of political coups, basing their subversive conduct on entirely new principles. In this regard, it may be observed that one of the fundamental forms of this new modality of subversive action lies in the organisation of mass, exhaustively prolonged protests without clearly articulated political leadership (Grinin and Korotayev 2024). Namely, previous theory and practice of coloured revolutions unequivocally confirmed that, opposite the ruling structures, there always stood opposition or other political forces, as well as specific movements, associations, non-governmental organisations, and civic activists, all of which, without exception, had clearly articulated leadership.

In this context, it is necessary to emphasise that the opposition corpus in all its manifestations (including the strong opposition potential displayed in certain states by the aforementioned movements, the non-governmental sector, etc., abundantly supported by media outlets sharing the same ideological and interest-driven agenda) constitutes an integral part of the democratic order. However, its security dimension arises when it undermines that order, that is, when it resorts to a gross overstepping of democratic participation's boundaries. In other words, the opposition corpus, understood in the broadest sense described above, inherently represents the positive side of any democratic order, provided that opposition forces act toward political compromise and the improvement of the overall social environment, rather than toward the erosion of the fundamental values of the entire system. Nevertheless, when the latter scenario is at play, in every specific case of preparation and execution of colored revolutions, all structures that decided to participate did so by gathering, leading, and directing them through publicly or covertly declared individuals, most often assembled into groups known as the "action core."

This action core was not always composed of ideologically and politically uniform like-minded individuals; it often possessed a heterogeneous, even contradictory character. In a significant number of cases, there could be no talk of a high degree of homogeneity among its members, since not only the lowest common denominator, but also the only truly cohesive factor, was the motivation to overthrow the then-ruling regime, treated as the common enemy. Nevertheless, at the moment when coup intentions were embodied and subversive activities launched – most often through rallies and demonstrations – the key actors – that is, the leaders of the protests and their closest associates – were already well known to the public as indispensable elements of every coloured revolution. In this regard, it should be recalled that a revolution does not exist without the participation of large popular masses; if a coup is carried out without the element of mass participation, then one may speak of another form of unconstitutional and subversive action, such as a coup d'état, putsch, armed rebellion, or the like.

In addition to the above, one of the new features of coloured revolutions is that groups of citizens, in the absence of a clearly defined leadership, take part in mass protests, blockades, and demonstrations without a unified ideological or political platform. Until recently, it was virtually impossible to maintain the monolithic character and kinetic

potential of protests without these components, which served as the connective tissue and powerful drivers of joint action directed toward the same objectives. This stemmed from the fact that dissatisfied citizens clustered around political ideas that were close to and appealing to them, regardless of the diversity of political actors that together formed a whole with the potential for a coup.

Thus, it was previously entirely sufficient to infiltrate certain elements of differing or opposing ideological-political orientation within the subversive forces, particularly within their action core, for protests and demonstrations suddenly to lose momentum, and not infrequently to wither away altogether and soon thereafter permanently cease. However, new forms of coloured revolutions have become resistant to this as well, because in their modelling, the emphasis has been placed on unifying elements such as hatred, aggression, and extreme intolerance toward the authorities, which draw their strength from irrational categories rather than from expected and logical ideological and political motivations.

One of the exceedingly harmful and at the same time profoundly immoral features of contemporary forms of colored revolutions lies in the fact that the focus of action aimed at mass mobilisation and the expansion of coup potential is directed toward the youngest segments of society, and, what is particularly alarming, toward minors. Even more absurd and from an ethical standpoint entirely unacceptable – yet unfortunately present in practice – is the instrumentalization of parents and teachers (professors), who encourage their own children and pupils (students) to join colored revolutions, disregarding how risky and even dangerous this may be for all parties involved, and especially for the abused youth of a society that has become a target of the ideologues and operational executors of subversive activities. In this context, one contemporary characteristic of coloured revolutions is also reflected in the “bottom-up” approach, which targets the local community to secure mass participation in protests and ensure their territorial spread by securing its support. This type of outreach to the “hearts and minds” of the local population constitutes part of a new methodology of a strategic character, as it encompasses not only the intellectual elite but also other classes and strata of the population of diverse social profiles, particularly those insufficiently familiar with the functioning of state institutions and therefore susceptible to various attempts at disinformation.

This is a hazardous social phenomenon with devastating long-term consequences, as it stratifies and antagonises young people –

among themselves, toward the authorities, and even toward the state as a whole, its values, and its symbols. At the same time, such an approach introduces confusion and tension among youth and almost invariably implies the negation of authority as a generally accepted norm. The injection of “bad blood” among minors or barely adult individuals – who at that age are understandably neither qualified nor educated for any form of active, thoughtful, and constructive political engagement – along with the creation of a “value system” in which a teacher or homeroom instructor no longer represents an authority for the pupil (or, even more detrimentally, the conscious and deliberate positioning of those same educators as negative authorities who actively participate in directing younger generations in a destructive direction through political misuse and incitement to rebellion that in fact constitutes a malicious articulation and distorted manifestation of critical thinking), carries immeasurable dimensions of destructiveness. These will systematically and persistently inflict damage on the further development of a society exposed to such forms of hybrid aggression.

The hidden trap of such an approach to modeling colored revolutions lies in the fact that the negative consequences of the political misuse of young people – entailing the neglect of their education and enlightenment, as well as their deliberate redirection toward false and misguided “authorities” and “value systems” – may manifest with delayed effect, that is, after the passage of many years. Therefore, state authorities and competent institutions, including security services, must not, due to preoccupation with solving everyday problems and challenges, nor due to shortsightedness and blindness caused by a temporary sense of power and stability, neglect such phenomena or fail to react in the early stages of their development and expansion. Otherwise, any subsequent confrontation with the crisis will prove far more complex and challenging.

KEY ACTORS AND THEIR METHODOLOGY

Colored revolutions in their present form were primarily conceived in the not-so-distant past in the United States of America, within the then-dominant elites of its intelligence services, specialized research institutes, universities with specific study programs, certain entities of civil society, as well as influential segments of international and local organizations declaratively oriented toward the protection

of human rights and similar causes, such as the United States Agency for International Development (USAID), the National Endowment for Democracy (NED), the International Republican Institute (IRI), and the National Democratic Institute (NDI), among others. In defining the roles of these structures, it is sufficient to refer to the highly negative assessment of the influence and consequences of numerous USAID projects abroad given by the current U.S. President, Donald Trump, who for this reason directed the resources of his administration toward dismantling this institution of global reach – more than six decades old – which, at its disposal for the expansion of American “soft power,” often with not-so-“soft” consequences, had hundreds of billions of dollars.

Until recently, the basic characteristics of coloured revolutions lay in their predominantly nonviolent nature; that is, violence was used only to the extent necessary to achieve the objective. They typically manifested after prolonged, exhausting socio-political crises and fragile security conditions, and their culmination most often occurred during or immediately after the conclusion of an electoral process. Opposition forces would proclaim victory in advance, characterise the election results of ruling structures as fraudulent (with extensive reference to alleged electoral fraud), and organise mass demonstrations to paralyse the system. In such scenarios, the main political strength of the opposition was not represented by political parties but by non-governmental organisations (Гапич and Лушников 2010, 12–13). Today, one of the new characteristics of colored revolutions is reflected in the organisation of political protests well after elections have been held, whereby – regardless of the causes, pretexts, publicly proclaimed goals, and dynamics of the protests – the demand for early elections ultimately emerges at a certain point as the principal, if not the sole, demand. Another new feature of such demonstrations is their prolonged duration, achieved, *inter alia*, through the constant discovery of new pretexts to extend their continuation (Korotayev *et al.* 2025).

It is well known in the theory of political and security phenomena that favourable conditions exist for the execution of revolutions, that is, for bringing a society into a revolutionary state. In brief, these include accumulated social contradictions in the sphere of domestic politics and political relations, international pressures and sanctions, prolonged economic, social, or security crises, authoritarian modes of governance, religious or other conflicts that in some instances may also possess nationalist or racial components, and similar factors. The common

denominator of these processes is that society, due to one of these causes – or most often a combination of several – has fallen into a state of chronic tension and instability, where revolution appears as the only real or presumed exit (and sometimes the shortest path to ruin). In this sense, it is recognized that among all favorable conditions for the execution of a revolution there exists a strong cause-and-effect relationship, reflected in the fact that a state or society can't experience only a political crisis, since all difficulties in the political sphere inevitably reflect upon the state of the economy, which in turn leads to disturbances in social relations, spilling over into the sphere of security and thus into almost all areas of contemporary society, with all its virtues, shortcomings, and contradictions.

However, a particular feature of colored revolutions is that they may be initiated even without the fulfillment of these enumerated, one might say classical, patterns. Sometimes a single tragic event is sufficient to mobilise broad popular masses. Such an event must be of such intensity that it becomes the subject of widespread social unrest, a rise in general agitation, and the activation of mobilising forms of mass behaviour. It is at this moment that mechanisms for initiating conflict are activated – initially nonviolent in nature, but gradually acquiring violent characteristics. A general anxious mood, often assuming shades of collective hysteria, leads to a situation in which the consciousness of individuals shifts into a so-called borderline state, when larger groups of citizens become susceptible to mass panic reactions and heightened aggressiveness, frequently manifested at the level of reflex and instinct. Inevitably, this also results in a large number of individuals experiencing negative impacts on daily and professional activities, culminating in acute conditions at the collective level. During such periods, the masses are effectively channelled into energetic, large-scale demonstrations.

All of the above confirms that even states with solid, steadily growing economies may be exposed to a colour revolution. For this reason, this primarily political-security but also broader socio-economic phenomenon should not be strictly associated with a country's poverty or its citizens' low living standards. People quickly grow accustomed to improved living conditions – much more rapidly than they adapt to a decline in their standard of living. Likewise, it is in human nature rarely to be satisfied with the existing state of affairs, no matter how good and comfortable it may be, but always to strive for something higher and greater, often on unrealistic grounds. Therefore, political authorities and

state institutions responsible for safeguarding the constitutional order must always bear in mind that the internal stability of a society or state is not ensured solely by providing a high standard of living, but also by attending to all other segments of social reality.

In the contemporary era, colored revolutions are essentially special operations of hybrid warfare aimed at carrying out a political coup. They are conducted through the broadest spectrum of political, informational, communication, diversionary-terrorist, and moral-psychological methods of influence, accompanied by blatant violations of international law. The objectives of such unlawful actions may include the complete or partial disintegration of a state (Mijalkovski and Konatar 2010, 17)², a qualitative shift in its domestic or foreign policy, the replacement of state leadership with loyal regimes, the establishment of external control over the state, its criminalization, and its subordination to the dictates of other states or transnational corporations (Panarin 2019, 325).

The very technique of organising and executing coloured revolutions (Karpovich and Manoilo 2015) entails, in its initial phase, creating a favourable environment in which the economy of a targeted state (the object of aggression) is rendered as dependent as possible on external factors through various economic pressures. This is most often carried out through financial interventions and pressures exerted by multinational companies, as well as by the International Monetary Fund and the World Bank. Where these institutions are not present, influence is exerted through commercial banks, investment funds, oligarchs, corrupt officials, and similar channels. It is not uncommon for specific states in the initial phases of a coloured revolution to be subjected to

² “As interests change, so do relations. Nothing is secure – territory, borders, sovereignty, property, the individual, spiritual values, the environment, resources... Challenges and threats will continue to exist, as will opponents, competitors, rivals, and enemies... The modern world is a world of competition, rivalry, and the use of all means to achieve the goals of an individual, a people, a state, or a corporation. In this regard, one must always bear in mind that at the end of the arsenal of all means stands, in its extreme form – coercion, very often in its most radical form – in the shape of military force. That argument is understood in all languages and at all times. That is why strength is always acknowledged. However, force here should not be understood only in the literal sense. Still, also in the broadest sense – as power, that is, as potential within the field in which the conflict unfolds (for example, through economic and political power, media power, scientific potential, industrial power, and the like)” (Mijalkovski and Konatar 2010, 17).

comprehensive, severe, and long-lasting economic sanctions by parts of the international community.

In any case, the goal is to provoke, within the shortest possible time, a powerful and intense destabilisation of the entire economic system, leading to financial collapse and, consequently, a decline in the standard of living of citizens in the target state. As living standards fall, social tensions and contradictions – previously less perceptible – come to the forefront. Simultaneously, through psychological-propaganda efforts, a media narrative is constructed portraying the political, that is, state leadership as primarily responsible for the country's complex economic and social situation (accompanied by the dissemination of narratives about weak, incompetent, and corrupt governance), thereby plunging the state into an even more profound political and security crisis. Such subversive activities from abroad, aided by domestically motivated actors, including the dissemination of disinformation and fake news, are carried out in numerous ways, and the list of methods and techniques is virtually endless, limited only by the imagination and creativity of those conducting aggressive actions.

The most frequent modality involves the use of media, above all social networks, given that in today's world, the internet has become the primary communication arena with extraordinary capabilities. For this reason, the media play a particularly significant role in the architecture of colored revolutions. When referring to the press, it must once again be emphasised that the focus here is on their negative role, primarily in the form of biased and partial (dis)information, which, in some instances, leads to serious political and security complications. Certain subversive-propagandistic phenomena play a particularly destructive role in social networks, which have become part of everyday life and are, to varying degrees, accessible to almost all of humanity. Among these negative phenomena, foremost is the practice of disseminating so-called fake news – deliberately designed and distributed in advance to produce specific harmful consequences. Such fake news does not pertain exclusively to political struggle but may also extend to discrediting individuals, inciting panic among the population, and similar effects. Destruction and subversion almost invariably lie behind fake news. In addition, there are other methods of spreading disinformation, which for a considerable time – particularly in the modern era – have indeed constituted one of the domains of activity of intelligence services,

thereby producing highly damaging, indeed destructive consequences (Parezanović 2013, 88).

In this regard, there is almost always a tendentious dissemination of carefully crafted fake news aimed at creating the impression that the government to be overthrown is powerless, incapable, incompetent, and ineffective in addressing the problems afflicting the state and its citizens. In such circumstances, situations are typically selected that are intended to demonstrate that the competent institutions are unable to protect or ensure specific fundamental civilizational values and to create the conditions necessary for satisfying essential existential needs, such as security, basic and other standards of living, the dignity of individuals and social groups, and so forth. If such constructions prove difficult to sustain, because the population does not genuinely perceive deficiencies in the targeted sphere, other means and themes are chosen (Parezanović and Željki 2019, 416).

To protect the state and society from such blows, it is imperative to identify the external factors that instigate a coloured revolution, as well as the internal factors that create conditions for such events (Way 2008, 55–69). Where the authorities enjoy genuine authority and respect, and where citizens trust state institutions, there are no external actors capable of promoting “colored” technologies of regime change. Conversely, if citizens believe that existing state institutions do not allow them to express their positions, they resort to unconstitutional means to express their political will, forms actively exploited by those seeking to advance their own interests. For all these reasons, establishing and maintaining trust in state institutions, as well as ensuring the regularity of all electoral processes, is of paramount importance. Any internal instability or disunity within society may open the door not only to a colored revolution but also to military intervention.

At this point, it is essential to emphasise that in almost all states the opposition consists of the same citizens as those who support the government; therefore, the opposition should not be viewed as an enemy of the state – it is also a constitutive element thereof (Parezanović 2022, 332). Should this not be the case, relationships of pronounced political divergence within a society over time evolving into open hostility between government and opposition, may produce harmful consequences

for the state and its order (Kisindžer 2016, 732).³ The first phase involves political rivalry, followed by political enmity, and ultimately a phase of personal conflicts between representatives of the government and the opposition. At that point, the most dangerous – indeed, one might say terminal – phase ensues, in which all options for further development of the crisis become possible, including those of a violent nature. Responsibility for such a condition within society most often lies with the government, which, unlike the opposition, possesses concrete institutional and other mechanisms for managing and containing crises. However, it may also occur that opposition forces act in an organised and targeted destructive manner to provoke a crisis and deliberately steer political relations into the realm of violence (Goldstone 2009, 18–32), more rarely independently, and almost always with the support of certain actors from abroad. For all the above reasons, social stability is achieved primarily through the rule of law, the functionality of institutions, respect for democratic forms of organising political relations, and progressive advances in the development of the most significant spheres of social life (Parezanović 2022, 43).

CONCLUSION

Today, coloured revolutions rightfully represent one of the most intriguing and challenging topics for scholars, particularly those working in political and security studies, who devote themselves to it with considerable enthusiasm. The key reason lies in the very factor that simultaneously poses the most significant concern to intelligence services and other state institutions tasked with identifying and preventing, or repressing, such subversive actions. This factor is the pronounced dynamism and diversity in their manifestations, methods, techniques,

³ The viewpoint of Henry Kissinger is also noteworthy, as he argues that in almost all parts of the world, the state preceded the nation; it was, and often remained, the fundamental element in its formation. Political parties, where they exist, reflect specific – usually shared – identities, while minorities and majorities tend to strive to remain so permanently. In such societies, the political process consists of domination rather than a regular alternation of power, which, if it occurs at all, results from a coup rather than through constitutional procedure. The idea of a legitimate opposition – the essence of modern democracy – rarely prevails. The opposition is far more often viewed as a threat to national unity and is therefore equated with treason and harshly persecuted (Kisindžer 2016, 732).

and effects, which continually evolve and transform, adapting to the specific socio-political, economic, and security dynamics of the states targeted by this form of aggression.

Consequently, the structures responsible for protecting those states are obliged to constantly keep pace with the aggressor, developing “antidotes” and defensive capacities so as not to be outmanoeuvred or outplayed, since the future of both the state and the society exposed to a coloured revolution may depend on it. Thus, a kind of “vicious circle” is created, in which a single inadequate, ill-considered, or belated move on the chessboard may determine the difference between a victorious and a defeated state.

We believe that the best illustration of this lies in the current, more or less visible, and more or less advanced and successful attempts at organising and implementing colored revolutions that we are witnessing. The moment their previous methodology ceased to yield the expected results, the inspirers and agents of subversive processes resorted to new actions that have proven to be well-designed and effective. As this paper has sought to demonstrate, the most significant specificities of these actions were the effort to sustain for as long as possible the appearance of spontaneity and the absence of clearly defined protest leadership, as well as the insidious and immoral focus on youth, students, and underage pupils. Only by correctly interpreting this hidden algorithm have the conditions been created for proper scientific interpretation at the theoretical level and for effective and efficient counteraction to new forms of coloured revolution in the sphere of practical action by security services and other competent state institutions.

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SYNERGY OF SOCIAL SCIENCES – AN INTERDISCIPLINARY STUDY OF THE IDENTITY OF NATIONAL MINORITIES**

In the recently published monograph issued by the Institute for Political Studies, *Controversies of National Identity: Bunjevci, Vlachs and Roma in Serbia (Raduški 2025)*, the complex and challenging – yet fundamentally important and still insufficiently studied – phenomena of national identity and its core determinants are examined. The selection of three ethnic groups without a mother state, together with the complex research structure of the study, immediately suggests that this is research of exceptional importance for an ethnically and culturally diverse society such as Serbia. Taking into account one of the most pronounced – though certainly not the only – values of this monograph, namely its grounding simultaneously in several social and humanistic sciences, this review therefore primarily focuses on identifying the analytical premises and theoretical approaches that constitute the essence of the interdisciplinary and transdisciplinary approach. In much contemporary research, many studies end merely with an overview of available literature from several fields, while the interdependence of these fields remains unclear to the reader. In other words, interdisciplinary research should not represent a simple aggregation of knowledge but rather its synergy (Danermark 2019, 369), something that the new publication by Dr. Nada Raduški

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convincingly demonstrates. To illustrate this, the present review focuses on the analysis of three different synthetic procedures that can be traced throughout the chapters of the book: the combination of sociological and linguistic research; the integration of demographic factors, political science findings, and foreign policy challenges in the context of the status and characteristics of the Bunjevci, Vlachs, and Roma; and finally the integration of the study of the cultural heritage of a specific region with European and national legislative frameworks.

In the first chapter of the book, the concept, characteristics, and interpretations of national identity are analyzed in detail. Following the theoretical framework and research orientation of Dr. Nada Raduški, national identity can be defined as a strong, essential, and still relevant sense of belonging. It manifests itself through the interaction between society and the individual and depends on political, economic, and sociocultural factors (Raduški 2025, 11–20). A particularly interesting part of this section, especially for readers oriented toward the study of society and culture from a multidisciplinary perspective, is the identification of religion and language as key determinants of identity. The comprehensive and integrative approach to the importance of language and religion – viewed not only as significant determinants of identity but also in terms of their crucial role within the broader social context places this research close to leading sociolinguistic approaches in contemporary scholarship. These approaches emphasize that “the role, functions, and evaluation of a particular language depend on a number of social, political, economic, cultural, and other extralinguistic factors that determine its status, significance, and power within a given community” (Filipović 2018, 20). The author assigns language a dual role. It is one of the key factors in identifying a particular community, even when that community does not possess its own state. At the same time, it serves as a guarantee of that community’s survival and preservation. As for religion, religious affiliation often proves to be a “stronger cohesive factor of unification” (Raduški 2025, 17). At the same time, however, it frequently becomes a decisive reason for establishing boundaries toward other peoples. The findings that the author reaches through other important disciplines – such as demography and political science – make this work essential reading for sociolinguists as well. Using population census data, the author shows how these factors served as elements of social integration or division even when national affiliation was not explicitly expressed. Furthermore, based on the current status of certain minorities,

she confirms that linguistic awareness and the standardization of one's linguistic expression have also contributed to the articulation of national policy. Particularly successful is the combination of statistical results with political science findings in examining the dynamics of identity change in accordance with contemporary social circumstances. Analyses of population censuses conducted before and after 1991 confirm the conclusions of several increasingly influential critical studies. These studies view statistical data not merely as a simple aggregate of population figures but also as an indicator of the particular construction of social reality (Kertzer and Arel 2004; Simon, Piché, and Gangon 2015). Such an understanding of national identity and of the role of political systems in its construction had already been presented by Benedict Anderson. He demonstrated that census questions are closely connected with the ideologies and power relations of different ethnic groups (Anderson 1991). The statistical data, their political background, their results, and the historical overview presented in this book clearly demonstrate this interdependence. The author explicitly notes that "statistics are often forced to balance between science and politics" (Raduški 2025, 30), which is why census data must sometimes be interpreted critically. It is therefore interesting to compare the findings of this monograph with the population censuses conducted in 1991 in the states of the former SFRY, and to observe the influence of demographic data on the formation of new national and linguistic identities (Savić 2024).

Starting from the position, formulated in earlier research as well, that "the more heterogeneous the population is from historical, religious, linguistic, and sociocultural perspectives, the more thoroughly the causes and consequences of those differences must be illuminated" (Raduški 2023, 173), the monograph proceeds to examine the interdependence of identity, history, language, religion, and politics, through the perspective of three specific communities.

The Bunjevci, who today live primarily in Vojvodina, were first registered as a national minority in 1991, although they formed their ethnocultural identity as early as the eighteenth century (Raduški 2025, 27). The demographic picture of this collective is presented through the different dynamics of its development within broader sociopolitical communities. At the same time, attempts to politicize their identity – efforts that continue to this day – are critically examined. These include claims that the Bunjevci emerged through social engineering and represent an artificial nation (Raduški 2025, 36). Through this example,

the full complexity of the concept of national belonging becomes evident. Ideological manipulation proves not to be merely a feature of political systems in the past but rather a persistent challenge that remains highly susceptible to instrumentalization. Dr. Raduški also identifies this as a potential issue in Serbia's European integration process (2025, 68). This complexity is further intensified by numerous unresolved theories concerning the origin of the Bunjevci. Alongside awareness of language and religion as "endogenous factors" of differentiation in processes of self-understanding and self-construction (Raduški 2025, 43), the author also emphasizes the preservation of the rich heritage and tradition of this community. This heritage is demonstrated through the historical development of Bunjevci culture, their vivid cultural legacy, significant literary production, important institutions, and distinctive customs.

Demographic research shows that the Vlachs maintain an extremely stable relationship with their mother tongue and religious affiliation while simultaneously displaying frequent fluctuations in their declaration of nationality (Raduški 2025, 69). Addressing the linguistic identity of the Vlachs – described as "a more objective indicator of national origin" (Raduški 2025, 85) – the author argues that it reflects a mixture of Romance and Slavic influences. Precisely because of this composition and historical development, the Vlach language distinguishes the Vlachs from both Serbs and Romanians. What nevertheless brings them closer to these neighboring peoples is the fact that Vlachs, Romanians, and Serbs share the same religious affiliation. For this reason, disputes still exist between Serbia and Romania regarding the jurisdiction of the Orthodox Church and the authenticity of the Vlach community. As in the case of the Bunjevci, certain issues of national identity extend far beyond the sense of belonging and become instruments in foreign policy relations. However, when attention shifts to questions of culture and tradition, no unresolved doubts remain regarding the autochthonous character of the Vlachs. Their long-standing and distinctive cultural heritage – presented in detail and illustrated across several pages – demonstrates the richness of the Vlach national minority and confirms its undeniable historical presence in Serbia.

Unlike the first two groups, whose identity is partly expressed through their relationship to the territory in which they live, the Roma constitute a transnational community dispersed throughout the world. In contrast to the Bunjevci and Vlachs, whose historical development – though sometimes controversial – is nevertheless known, "until recently

the Roma neither knew nor studied their own origin” (Raduški 2025, 117). Compared with the written and oral traces of Bunjevci and Vlach heritage, the Roma “left behind almost no written record” (Raduški 2025, 117). The Roma thus illustrate particularly clearly how other determinants of identity may remain fluid while a single stable factor – in this case, language – can preserve a centuries-old culture. The Romani language possesses a remarkable feature relevant to linguistic and broader scholarly research. It represents an inexhaustible repository of Roma culture and history while simultaneously constituting a mosaic of the cultures with which the Roma have come into contact. The religious identity of the Roma is also described as “dual”. Thus, “beliefs determine Roma identity, while the local religion (as a rule the religion of the majority) determines their local identity” (Raduški 2025, 129). Although one “cannot speak of a distinct Roma religion” (Raduški 2025, 131), Roma culture – often described as exotic and rooted in principles of freedom, music, and dance – is widely recognizable and deeply rooted in Serbia as well. The sections devoted to the Roma, as well as those concerning the Bunjevci and Vlachs, introduce an additional level of vitality and emotional depth into the monograph. They make the analysis of national minorities comprehensive and multilayered while presenting the lives of these communities in a vivid and accessible manner.

The three-part analysis logically leads to a chapter devoted to the minority policy of the state. Starting from the fact that Serbia is undeniably a multiethnic society – clearly illustrated by the analysis of the most recent population census from 2022, as well as by the previously presented statistical data – it must also function as a multicultural one. If multiculturalism is understood as the idea of the harmonious coexistence of different ethnic and cultural groups (Stojadinović 2012, 35), then the author’s conclusion that “the functionality of the state is directly correlated with its possibilities and capacity to manage that diversity” (Raduški 2025, 150) appears entirely justified. Accordingly, the final section of the book places the legislative framework of the Republic of Serbia and the institutional protection mechanisms at European and international levels in direct relation not only to the preservation of the cultural heritage of national minorities but also to the country’s internal and foreign policy. The analysis of the Constitution of Serbia and of various laws guaranteeing minority rights also identifies numerous obstacles to their effective implementation. These include the practical enforcement of legislation, the need for more detailed secondary

regulations, the slow functioning of the judicial system, and the necessity of establishing a systematic mechanism for monitoring the position and rights of minorities (Raduški 2025, 160).

Throughout the study, the issue of social engineering – and, consequently, linguistic engineering – reappears as an important theme. This provides a particularly stimulating basis for raising a broader question relevant to the entire Balkan region: where does the boundary lie between a political minority and a national minority? When language is concerned, it is particularly interesting to compare the findings regarding the application of the international legal framework within Serbia's integrative minority policy with the status of the European Charter for Regional or Minority Languages in other Balkan states, for example Slovenia (Committee of Experts of the European Charter for Regional or Minority Languages 2025, 40), especially in highly conflict-ridden societies such as Bosnia and Herzegovina (Savić 2016).

Finally, considering the scientific significance of this monograph – reflected in its interdisciplinarity, its professional dimension demonstrated through the analysis of demographic development and minority policies, and its cultural dimension illustrated through the presentation of the heritage of the three national minorities – we may also speak of its transdisciplinary contribution. If we take into account that transdisciplinarity implies that scientific research should be based on dialogue “among academic communities, policy makers, and interested non-scientific communities of practice in order to develop long-term sustainable solutions that may ultimately lead to a more equal distribution of social power in our societies” (Filipović 2015, 5), then Dr. Raduški's monograph represents a clear example of combining a scientific perspective with an analysis of life in authentic communities. This is particularly important because the book also offers concrete recommendations for the proper implementation of integrative minority policy – policy that contributes to the creation of a stable multicultural society. Finally, we may conclude by expressing the hope that other minority communities will soon be examined through similarly detailed and comprehensive research and by expressing confidence that the author, building on the same intellectually engaging perspective so necessary for the social sciences and humanities, will illuminate their position in future studies as well.

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**THE UNITED STATES AND THE WORLD
ORDER: FROM WOODROW WILSON
AND FRANKLIN DELANO ROOSEVELT
TO DONALD J. TRUMP****

The book *World Order: From Woodrow Wilson and Franklin Delano Roosevelt to Donald Trump (Second Edition)*, by Dragan R. Simić, professor and former Dean of the Faculty of Political Science at the University of Belgrade (2015–2024), founder and director of the Center for the Studies of the United States of America, represents an extraordinary event in Political Science not only in Serbia but across the former Yugoslavia. It opens up important questions and provides in-depth answers to the origin, development and destiny of the international order which we live in, as well as the role of the most powerful country in the world, the United States of America, in all of that.

Namely, it is now quite clear that when Henry R. Luce, the famous American journalist and publishing magnate, called the twentieth century the “American Century” in his *Life* magazine editorial on February 17,

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1941, he was voicing a profound truth. Not only did the United States (in less than half a century, from entering the ranks of great powers during the 1898 War with Spain to the end of World War II) manage to become the world's most powerful state with a global presence and global obligations, but it also actively participated in creating the World Order and left its distinctive mark on the world.

Historically, this was entirely logical, considering that the nations possessing the greatest power also determine the order we live in: in short, a set of values, rules, and constraints, as well as a specific framework within which various actors in international relations move and act. From Athens, which in Pericles' words was the "school of all Hellas," through Ancient Rome, Byzantium, Habsburg Spain, France, and Great Britain, each of these powers shaped the era in which they dominated. The United States was no exception. On the contrary, the strong missionary spirit upon which the country was founded and the belief in exceptionalism perfectly overlapped with the immense power they acquired. Some might call this "self-consciousness" (Hegel), while others would say that "capabilities shape intentions" (Zakaria 1998, 5).

Nevertheless, as the dominant power of the twentieth century, the United States naturally participated in the creation, shaping, and management of the World Order. Although every President of this country has left a mark on both domestic and foreign policy, it seems that in the twentieth century, no one did so more decisively and with more consequences for the World Order than the two presidents who led the United States through two World Wars: Woodrow Wilson and Franklin Delano Roosevelt. In a similar vein, President Donald Trump has done so in the century we currently live in. Even though there are 12 years and three Republican presidents (Warren Harding, Calvin Coolidge, and Herbert Hoover) between Wilson and FDR mandates, there is a strong thread connecting them. Thus, in the patterns of history, their ideas and achievements seem more complementary than diametrically opposed. The author of this brilliant book, Professor Dragan R. Simić, who, alongside international relations, is an authority on painting (and art in general), brilliantly utilizes this deep knowledge to present his key arguments.

Namely, in the language of painting, the author compares Woodrow Wilson and Franklin Delano Roosevelt (ingeniously, in my opinion) to Verrocchio and Leonardo, who worked together as master and pupil on the famous painting *The Baptism of Christ*. The strong

strokes and straight lines used by Verrocchio laid the foundation, but it was Leonardo (this being his first painting) – using his *sfumato* technique in painting Jesus, the angel on the left, and the water – who went much further, depicting all those swirling figures with far more vitality than his teacher. The achievements of Woodrow Wilson and Franklin Delano Roosevelt can be compared in a similar light. Wilson's extraordinary effort in creating the League of Nations failed largely due to the President's character, his deeply religious and black-and-white worldview, and his unwillingness to compromise, both externally with other statesmen and internally with the U. S. Senate.

In that sense, Roosevelt, by “using” the *sfumato* technique and all those gradients and compromises life mostly consists of, brilliantly succeeded in upgrading this idea and creating the United Nations, which stood on more realistic and firmer foundations than the League of Nations. Not only did he gradually build domestic support for such an endeavor, but he also managed to include those important states that had been excluded during the League's creation, such as the Soviet Union, which contributed to the stability and sustainability of the new, refined system of collective security. This system did not forget the element of power (embodied in the veto power of the five permanent members of the Security Council) but also retained Wilson's ideals regarding the preservation of international peace and security, as well as universality of membership. Since there is no political stability without economic stability, the creation of the Bretton Woods institutions in 1944 gave the architecture of the New World Order the necessary second pillar (if security is the first), intended to prevent a future economic crisis of the catastrophic proportions seen in 1929.

WOODROW WILSON AND THE WORLD ORDER: THE TEACHER

The biography of Woodrow Wilson possesses many hallmarks of an ancient Greek tragedy: from the heights of stardom and power to an inevitable fall at the end. Born into a Presbyterian Pastor's family in Virginia, he was a brilliant intellectual who, besides his professorship and presidency at Princeton University (1902–1910), authored the bestseller *Congressional Government*. Due to disagreement, or rather, the inability to reach a compromise with his colleagues at the University, he found himself in the world of practical politics. First, in 1910, Wilson was

elected Governor of New Jersey, and then two years later, in November 1912, he was elected the 28th President of the United States.

Regarding foreign policy, Wilson's mandates were certainly marked by the Great War. While he managed to keep America out of war during his first term, in his second term, just a month after his inauguration, he led the country into the conflict and decisively shifted the balance of power in favor of the Entente. After the war, he arrived in Paris, where, as the greatest star of the era, he played the leading role at the Peace conference. In short, his vision of the World Order could be reduced to this: the world can no longer function the way it did before the war. In that sense, the balance of power system should be replaced by a system of collective security, and the main organization tasked with maintaining international peace and security, which should "make the world safe for democracy," was to be the League of Nations.

However, it was easier to conceptualize than to implement, and this is where the problems began for Wilson the Idealist. Not only was the Senate unwilling to relinquish part of its prerogatives to an international organization, but Wilson himself, being unwilling to compromise, suffered a severe stroke in October 1919 during a nationwide campaign for the ratification of the League Covenant. This occurred after traveling 13,000 kilometers in 22 days and delivering almost forty speeches. The remainder of his second term was marked by severely impaired health and limited capacity to govern the state and himself. By the following year, in March, the Senate definitively rejected the League of Nations Covenant, and in the November 1920 elections, the Democratic Party, led by Ohio Governor James Cox and his vice-presidential candidate Franklin Delano Roosevelt, suffered a defeat. All this combined would, in Wilson's warning words to the Senate a few years before, indeed "break the heart of the world."

FRANKLIN DELANO ROOSEVELT AND THE WORLD ORDER: THE PUPIL WHO SURPASSED THE TEACHER

If Wilson transitioned from a theorist to a practitioner of politics, one could say Roosevelt lived for politics. Born into a prominent, aristocratic family of Dutch origin that had already produced one President in his distant cousin, Theodore "Teddy" Roosevelt, Franklin was groomed for politics from the start. At just the age of 28, in 1910,

FDR was elected to the New York State Senate, and three years later, in the Wilson administration, he became Assistant Secretary of the Navy. During the next seven years in this prestigious role, he had the opportunity to see firsthand what governing a country looked like in both peace and war, an experience that would later prove invaluable.

After the defeat of the Democratic Party candidates in 1920, he realized it was time to move from a supporting role to a main protagonist. Thus, in 1928, FDR was elected Governor of New York, and in 1932, he won his first presidential term (of the four he would eventually serve). All of this he accomplished despite Polio, which completely paralyzed his lower body and which he lived with from 1921 until his departure from the historical and life stage on April 12, 1945.

Two essential features contribute to Roosevelt being perceived as the greatest American President of the 20th century and one of the greatest in history (alongside Lincoln and Washington). The first is the *New Deal* program initiated to overcome the consequences of the “Great Depression,” and the second is the victory in World War II. However, his equally important achievement, which survived the challenges of the second half of the twentieth century, including the Cold War era, is certainly the creation of the United Nations and the Bretton Woods institutions (the IMF and the World Bank Group). Learned from Wilson’s unsuccessful example and understanding the dangers of a World Order where cooperation among great powers is absent, Roosevelt succeeded in including all major states in the emerging post-war order, including those whom he ideologically disagreed with. Like Leonardo da Vinci, he understood that life is often not black or white but exists in shades of gray, and that must be considered when dealing with politics, especially at the highest level. In this way, he achieved what Wilson failed to do, merging ideals and the real world in the best possible way.

DONALD JOHN TRUMP AND THE WORLD ORDER: THE CHALLENGER

Although the 45th and 47th American President, Donald John Trump, cannot boast about a scientific or political career before moving into the White House, like his famous predecessors, he seems to attempt to rival them in terms of the consequences of his actions (and in International Relations, that is almost the only thing that counts). His first term began in January 2017, and during the following four years,

Trump went through various phases- from the first two years under the relative control of the so-called “Axis of adults” when the Republican establishment acted as a stabilizing force, to the second half of his first mandate where loyalists increasingly displaced career civil servants and Trump increasingly acted on his own intuition rather than advice.

Simić correctly notes that Trump intuitively and instinctively understood the “deep changes in the structure of the world order,” much as he “sensed the processes and anticipated the consequences of cultural wars and divisions in American society” (Simić 2026, 185). Trump also understood the dark sides of globalization, the return of the balance of power in world affairs, great power politics, potential new divisions of the spheres of influence, and ultimately that the world is different from what it was during America’s unipolar moment and the dominance of liberal ideas in international affairs. According to the author, there are two pillars of Trump’s political and foreign policy credo: the first relates to the “restoration and strengthening of the sovereignty of the nation-state as the primary actor of International Relations,” and the second is a “proportional, fairer burden-sharing, meaning defense and security costs, in American relations with Allies” (Simić 2026, 188).

Regarding sovereignty, Trump made this concept, at least in his first administration, the central front of his activities. As the author precisely states, in Trump’s address to the UN General Assembly in September 2017, he used the term “Sovereignty” 21 times. Two months earlier, in his famous Warsaw speech (July 6, 2017), Trump said that “Americans, Poles, and the nations of Europe value individual freedom and sovereignty. We must work together to confront forces, whether they come from inside or out, from the South or the East, which threaten over time to undermine these values and to erase the bonds of culture, faith, and tradition that make us who we are” (Simić 2026, 191).

As for a fairer distribution of the burden with Allies regarding leadership and management of the International Order, Trump succeeded in his intent. According to the latest data, all 32 NATO members now allocate a minimum of 2 percent of GDP to defense costs – a major success considering that barely 10 did so at the start of Trump’s first Presidential term. Quite simply, in Trump’s Jacksonian-Hamiltonian approach to foreign and security policy, there is no room for “free riders,” and economics is just as important as political and military issues.

Given all this, the author concludes the book by addressing Trump’s influence on the future of the World Order. He correctly

observes that Trump is not the cause, but rather a consequence of the crises within American society and the International Order (Simić 2026, 198). As the author points out, although Trump has mostly seen success on various open fronts in his second term so far, he rightly warns us of inevitable Clausewitzian “friction,” because “the world is not, of course, a punching bag that silently endures the boxer’s blows” (Simić 2026, 202), as the latest war between Israel, the US, and Iran clearly demonstrates. In short, Simić, in the manner of a skilled foreign policy realist, does not approach Trump normatively (looking at how he *should* behave), but realistically (observing him as he *actually* behaves).

The book ends with several essential questions that time will answer, but which can also be found by reading this excellent work: “1. What does Donald Trump really want? 2. What can he do? 3. What is he permitted to do? 4. And finally, what shouldn’t Donald Trump do?” (Simić 2026, 206). Additionally, he adds three broader questions: “First, what does America want to change in the World Order regarding the content and modalities of its functioning; second, what is the current total power of the United States, with a prediction of its future compared to challenger-rivals? And third, is it reasonable to expect the continuation of President Trump’s policies after he leaves power?” (Simić 2026, 206).

CONCLUSION

This book was published by respectable Serbian publishers (CLIO and FPN), and already in its first edition from 2022 (Simić 2022) it received the highest marks from both experts and the wider public. This book also “hit the momentum,” appearing at times that were very challenging for the World Order created by Wilson and Roosevelt. In that sense, this expanded second edition appears at even more dramatic moments for the Liberal International Order. The author’s decision to add a chapter on Donald Trump is entirely justified and logical, both scientifically and in terms of wider audience significance. The book opens up many questions that the world is trying to answer, primarily regarding the future of the dominant global power’s relationship with the order it created. Whether the rest of humanity will continue as “The World-minus one” (USA), as Amitav Acharya (Acharya 2026) put it recently, or if the United States will realize that this order brings substantive advantages alongside its costs, remains to be seen.

However, “the ruptures” in the World Order, of which Canadian Prime Minister Mark Carney spoke so convincingly at this year’s Davos summit (Carney 2026), are becoming deeper and more visible. Nevertheless, this order has shown a surprising degree of resilience, making it difficult to say whether we live in the times of its end or merely of (minor or major) changes within it. As the author brilliantly concludes, “in our time, the International Liberal Order has become structurally ‘too tight’ to continue regulating the relations of increasingly opposed Great Powers within existing institutions, norms, and processes” (Simić 2026, 174). Whether there will be more maneuvering space for small and medium-sized states (and even the weakest) in some kind of new or reformed old order is the “million-dollar question” but it is certainly worth mentioning and considering.

This book is written in the clear and fluid language of a refined and mature writer. Although he spent his entire career in academia, Simić’s rich and lavish literary gift is evident here as in his previous works. Also present is his deep and fundamental knowledge of World and US political and social history, human nature and philosophy, American presidents and their characters, geography and geopolitics, military science and strategy, literature, painting, and music. In short, all that is necessary to perceive and understand life in its full complexity. A reader returns to Simić’s sentences “again and again” not because they are difficult to understand, but because they are so well-crafted that one tries to memorize them like verses of a great poem. It is, as Ivo Andrić would say, a “dense weave” that leaves a powerful impression long after reading.

In the era of Donald Trump, when international situations can change overnight depending on what is “on his mind” that specific day, it is more than useful to have a work that provides a thorough overview of previous American attempts (unsuccessful and successful) at reforming and creating new world orders. Through comparative analysis and intuitive insights into “history being made before our eyes,” this book serves as an excellent guide for the world we live in and the one that awaits us.

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Book review

Српска политичка мисао
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MEDIA STYLES**



Dobrivoje Stanojević and Lidija Mirkov. 2024. Media Styles. Belgrade: Mali Nemo, 313 pp.

The book “Media Styles”, from 2024, by professors of the Faculty of Political Sciences in Belgrade, Dr. Dobrivoje Stanojević and Dr. Lidija Mirkov, was published by Mali Nemo and presents a detailed overview of theoretical concepts and types of styles, including a practical analysis of styles that are present in the media. In this way, they point out the most common mistakes that journalists make, but also teach future journalists, educated by the authors of this book, that it is necessary to take care of the words and expressions they use, in order to build their own style. For this reason, this book may be considered a textbook necessary for all who want to work in journalism, regardless of whether they are studying journalism at the Faculty of Political Sciences. The book was reviewed by three professors – doyens of stylistic and rhetorical disciplines: Prof. Dr. Radomir Životić, Prof. Dr.

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Radomir Knežević, and Prof. Dr. Zoran Jevtović. The book itself contains seven chapters and is written on 313 pages. At the beginning of each chapter and subchapter, there is a suitable quote, introducing readers to what they may expect in the mentioned part of the book. Also, Prof. Dr. Dobrivoje Stanojević enriched the book with his short poem about the importance of using words correctly, which is located before the first chapter. Each theoretical point is accompanied by an appropriate example, whether it is the expression of journalists or their interlocutors, which creates a valuable treasure of examples, making learning and understanding the whole stylistic procedures of media expression easier.

In Chapter One, which consists of three subchapters, the authors present introductory remarks and give advice to journalists that they should not view the style as some “binding norms”, but rather to “think about the style they use”, striving to improve it. They explain that style is best shaped by reading and reflecting on what has been read, always respecting the style of others. Within this part, they conclude that “having a style, most often means having a clear view of the world” (Stanojević and Mirkov 2024, 13).

Chapter Two is titled “Stylistics”. The authors theoretically present the development of stylistics, explaining that there are two periods in its development: the period of traditional and the period of modern stylistics. They remind us that, although stylistics is a relatively new scientific field, its roots date back to Ancient Greece, primarily to Aristotle. At the same time, in this chapter, the authors also point out the development of stylistics in Serbia. Stanojević and Mirkov explain that the concepts of stylistics are: style, stylema (stylistic marker), and expressive and stylistic means. They also recognize other theoretical concepts of stylistics, so that they connect the subject of stylistics with the methods used for its research, with tasks that are in its focus, as well as with the norms of the literary language (grammatical, phonetic, morphological, lexical, syntactic, orthographic, orthoepic, and stylistic, together with the standards that language has). Furthermore, this chapter presents the basic branches of stylistics, the relationship of stylistics with other sciences, recalling the founders of modern stylistics, emphasizing the role of Pierre Giraud, who offered the first definition of stylistics, as well as Jules Marouzeau, who has expanded stylistics to “phonetic,

morphological, semantic, and syntactic linguistic means” (Stanojević and Mirkov 2024, 61). Within this chapter, Stanojević and Mirkov also pay attention to the types of styles, because “the typology of styles is considered one of the most important tasks of stylistics” (Stanojević and Mirkov 2024, 62). They point out that almost every style has its own substyles; for example, the literary style has its own substyles such as literary-artistic, biblical, or lyrical. The authors also distinguish the following styles: journalistic, scientific, administrative, and conversational. Separate subchapters discuss phono-stylemas and morpho-stylemas. In the section dedicated to phono-stylemas, Stanojević and Mirkov explain how the words are formed, but they also talk about “the most common phono-stylema in literature” (Stanojević and Mirkov 2024, 91) – the onomatopoeia. Additionally, they suggest that phono-stylemas also include: alliteration and assonance, the use of the letter “F”, allonge, imitative harmony, consonance, homoeoarcton, anaclasia, polyptoton, rhyme, paranomasia, homeoteleuton, anagram, and antimetabole. On the other hand, they define morpho-stylemas as “forms of individual expressiveness of stylistic units in

morphostylistics” (Stanojević and Mirkov 2024, 99). Thus, morpho-stylemas include: diminutives, augmentatives, hypocoristics, and oronyms. A separate subchapter focuses on lexico-stylemas and clarity of style, and refers to the words of Schopenhauer, who said that “nothing is more difficult than expressing deep thoughts in a way that everyone can understand” (Stanojević and Mirkov 2024, 107). Therefore, Stanojević and Mirkov argue that clarity of style is influenced by provincialisms and regionalisms, dialectisms, archaisms, and foreign words. The eleventh subchapter discusses lexical innovations that mostly arise from neologisms, but also from blended words, jargon, and vulgarisms. Vulgarisms occupy the main position in this subchapter, where the authors point to the increasing use of profanities in media space, which came as a result of reality programs that have become an increasingly common media product. This chapter ends by addressing the topic of semantic stylema elements that represent the meaning of a word. The authors highlight the following as the most important words that affect the meaning: synonyms, homonyms, antonyms, banalities, and idioms (phraseological units).

Chapter Three discusses the properties of style. The first

subchapter explains what can affect the clarity of style. First of all, amphiboly is highlighted, which denotes ambiguity through the use of prepositions, adverbs, and/or pronouns, as well as commas, relative and long sentences, homonymy, grammatical order, and/or intentional amphibolicity. Another cause of ambiguity can be syntactic stylema elements, which include cumulation, asident, polysident, anaphora, and epiphora. The third subchapter presents conciseness as a characteristic of good style. Conciseness is negatively affected by: pleonasm, tautology, perisology, periphrase, laconicism, phrasing, empty rhetoric, words of consolation, euphemisms, clichés, and bureaucratic/administrative jargon. Stanojević and Mirkov believe that conciseness of style is achieved “by using shorter expressions and dependent clauses” (Stanojević and Mirkov 2024, 198). They also talk about how the use of stylistic figures can affect style in different ways. In the second part of this chapter, the authors show how the use of stylistic figures – such as comparison, hyperbole, personification, etc. – may have implications for style. They make a clear distinction between irony, sarcasm, cynicism, and presiflage,

which is important to emphasize because these expressions are often equated in everyday conversation. They define irony as “the emphasis of a non-literal meaning through the contrast of the stated and implied meaning, often the opposite of what is intended,” and they consider sarcasm to be “the pejorative use of irony in an extremely sharp, caustic, even malevolent and maliciously humorous manner” (Stanojević and Mirkov 2024, 206). On the other hand, they see cynicism as belittling and disqualifying a person, and persiflage as “mocking in an ironic and witty manner” (Stanojević and Mirkov 2024, 206). Another element that, in their opinion, affects style is the violence against the language, coming from speech and narrative of hate, but also from the excessive use of gender-sensitive language that leads to “clumsy and difficult-to-pronounce combinations” (Stanojević and Mirkov 2024, 238). A separate subchapter deals with the topic of the liveliness of style. They point out that the liveliness of style may be limited by the use of: the same sentence endings, excessive genitive, and excessive use of “THAT,”¹ accumulation of infinitives and verbal nouns, replacement of the active verbal

¹ Excessive repetition of the Serbian word “DA.”

adjective with a passive verbal adjective, accumulation of verbal nouns. Stanojević and Mirkov give recommendations for improving the liveliness of style by: 1) interchanging figures and actions, 2) interchanging sentence types and using dialogue, digressions and witts, and 3) contrasts and rhetorical questions. These tips introduce the observation of the final, fifth property of style – harmony.

Chapter Four refers to the style of written text, including specific advice given to future journalists: “The purpose of a journalistic text is not to convey a message, but to inform and motivate the reader to think” (Stanojević and Mirkov 2024, 264). The next chapter, the fifth, is dedicated to the topic of headlines and announcements as the most important elements in attracting the audience to a particular journalistic form. Therefore, the authors talk about the need for “bait” in these contents, which is achieved through the cunning of journalistic expression. In their opinion, the headline should be informative, but intriguing at the same time. They remind us that a correct title block should consist of a supertitle – that answers the question “what is the text about,” a title – that should answer the question “what,” and a subtitle – that explains how and

why something happened. They further specify that the length of a journalistic text is measured by “author’s sheets,” implying a length of between 25 and 28 lines of text for each. The continuation of this chapter presents a stylistic analysis of headlines from daily newspapers in Serbia. In Chapter Six, entitled “Style in All Directions,” Stanojević and Mirkov outline 133 tips for journalists and those who intend to work within that profession. The most common mistakes that journalists should avoid are explained in the final chapter, Seven, “The Most Common Mistakes Journalists Make – How to Avoid Misusing a Dictionary.” That is why, at the end of this chapter and the book itself, there is a “dictionary of words and expressions (phrases)” that journalists should avoid.

Based on everything that Stanojević and Mirkov have covered in the book “Media Styles,” it can be considered one of the most significant publications when it comes to media research and journalism theory in the past few years. The achievements of this book have also been recognized at the regional level, given that it was shortlisted for the Dialogos Premium, which is awarded in Montenegro for the best book in the field of media theory and culture published in one of the languages

of the former Yugoslavia. Although the authors refer to the quote by François René de Chateaubriand that “style, and there are thousands of them, cannot be learned, it is a gift from heaven, it’s a talent,” the key takeaway of this work is that through education and other forms of self-improvement, an individual can build a harmonic personal style, and that for a complete stylistic authenticity is necessary to have a gift that will be carefully nurtured. The work before us provides a clear map to that hidden treasure within each of us.

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Stanojević, Dobrivoje, and Lidija Mirkov. 2024. *Media Styles*. Belgrade: Mali Nemo.

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AUTHOR GUIDELINES

The academic journal *Serbian Political Thought* publishes articles that result from the latest theoretical and empirical research in the field of political science. Authors should refer mainly to the results of scientific research published in academic journals, primarily in political science journals.

Manuscripts should be submitted in Serbian (Cyrillic script) with a mandatory English translation, or in English.

The journal is published six times a year. The deadlines for submitting the manuscripts are February 1st, April 1st, June 1st, August 1st, October 1st, and December 1st.

Two consecutive issues cannot contain articles written by the same author, whether single-authored or co-authored.

Papers are submitted to the Editorial Board by uploading them to the CEON platform using the following link: <https://aseestant.ceon.rs/index.php/spm/login>.

Authors are obliged to submit a signed and scanned declaration of authorship when submitting their works. The declaration form can be downloaded from the journal's website: https://www.ips.ac.rs/en/magazines/srpska-politicka-misao/authors_directions/

All submitted manuscripts are checked for plagiarism or auto-plagiarism. Various forms of chat boxes and other artificial intelligence software cannot be (co)authors of the papers under consideration. These tools can only be used for stylistic language editing, not for writing sections of the paper, and authors who use them are obliged to specify the purpose of using such tools at the point where they are used.

Authors are required to provide their ORCID numbers along with their (preferably) institutional email addresses, which they include in the manuscript text in a footnote alongside their names and surnames.

Research articles can have up to 40,000 characters with spaces, including footnotes. When counting the characters leave out the reference list. Exceptionally, a monographic study can be larger in scope in accordance with the provisions of *the Rulebook on procedure, method of evaluation, and quantitative presentation of scientific research results*.

Reviews can have up to 15,000 characters with spaces.

Book reviews can have up to 10,000 characters with spaces.

CITING AND REFERENCING

The journal *Serbian Political Thought* uses a partially modified Chicago style of citation (17th edition of the *Chicago Manual of Style*), which implies specifying bibliographic parentheses (brackets) according to the author-date system in the text, as well as a list of references with full bibliographic data after the text of the paper.

Data in bibliographic parentheses and the list of references should be written in Latin script.

Below are the rules and examples for citing the bibliographic information in the reference list and in the text. For each type of source, a citation rule is given first, followed by an example of citation in the reference list and bibliographic parenthesis.

The bibliographic parenthesis is usually set off at the end of the sentence, before the punctuation mark. It contains the author's surname, the year of publication, and page numbers pointing to a specifically contextual page or range of pages, as in the following example: (Mearsheimer 2001, 15–17).

Books

Books with one author

Surname, Name. Year of publication. *Title*. Place of publication: Publisher.

Mearsheimer, John J. 2001. *The Tragedy of Great Power Politics*. New York: W. W. Norton & Company.

(Mearsheimer 2001)

Books with two or three authors

Surname, Name, and Name Surname. Year of publication. *Title*. Place of publication: Publisher.

Brady, Henry E., and David Collier. 2010. *Rethinking Social Inquiry: Diverse Tools, Shared Standards*. Lanham: Rowman & Littlefield Publishers.

(Brady and Collier 2010, 211)

Pollitt, Christopher, Johnston Birchall, and Keith Putman. 1998. *Decentralising Public Service Management*. London: Macmillan Press.

(Pollitt, Birchall and Putman 1998)

Books with four or more authors

Surname, Name, Name and Surname, Name and Surname, and Name and Surname. Year of publication. *Title*. Place of publication: Publisher.

Pollitt, Christopher, Colin Talbot, Janice Caulfield, and Amanda Smullen [Pollitt *et al.*]. 2005. *Agencies: How Governments do Things Through Semi-Autonomous Organizations*. New York: Palgrave Macmillan.

(Pollitt *et al.* 2005)

Editor(s) or translator(s) in place of the author(s)

Surname, Name, Name and Surname, ed. Year of publication. *Title*. Place of publication: Publisher.

Kaltwasser, Cristobal Rovira, Paul Taggart, Paulina Ochoa Espejo, and Pierre Ostigoy [Kaltwasser *et al.*], eds. 2017. *The Oxford Handbook of Populism*. New York: Oxford University Press.

(Kaltwasser *et al.* 2017)

Chapter in an edited book

Surname, Name. Year of publication. “Title of the chapter.” In *Title*, ed. Name Surname, pages range. Place of publication: Publisher.

Lošonc, Alpar. 2019. “Discursive dependence of politics with the confrontation between republicanism and neoliberalism.” In *Discourse and Politics*, eds. Dejana M. Vukasović and Petar Matić, 23?46. Belgrade: Institute for Political Studies.

(Lošonc 2019)

Journal Articles

Regular issue

Surname, Name. Year of publication. “Title of the article.” *Journal* Volume, if available (issue): page range. DOI.

Ellwood, David W. 2018. “Will Brexit Make or Break Great Britain?” *Serbian Political Thought* 18 (2): 5?14. DOI: 10.22182/spt.18212018.1.

(Ellwood 2018)

Newspapers and magazines

Signed articles

Surname, Name. Year of publication. “Title of the article.” *Newspaper/Magazine* Date: page range.

Clark, Phil. 2018. “Rwanda’s Recovery: When Remembrance is Official Policy.” *Foreign Affairs*, January/February 2018: 35–41.

(Clark 2018)

Unsigned articles

Title of the newspaper/magazine. Year of publication. “Title of the article.” Date: page range.

New York Times. 2002. “In Texas, Ad Heats Up Race for Governor.” July 30, 2002.

(*New York Times* 2002)

Corporate Author

Name of the corporate author [acronym if needed]. Year of publication. *Title of the publication*. Place of publication: Publisher.

International Organization for Standardization ?ISO?. 2019. *Moving from ISO 9001:2008 to ISO 9001:2015*. Geneva: International Organization for Standardization.

(International Organization for Standardization ?ISO? 2019) – *The first in-text citation*

(ISO 2019) – *Second and all subsequent citations*

Legal and Public Documents

Sections, articles, or paragraphs can be cited in the parentheses. They should be appropriately abbreviated.

Constitutions and laws

The title of the legislative act [acronym if needed], “Official Gazette of the state” and the number of the official gazette, or the webpage and the date of last access.

The Constitution of the Republic of Serbia, “Official Gazette of the Republic of Serbia”, No. 98/06.

(The Constitution of the Republic of Serbia, Art. 33)

The Law on Foreign Affairs [LFA], “Official Gazette of the Republic of Serbia”, No. 116/2007, 126/2007, and 41/2009.

(LFA 2009, Art. 17)

Succession Act [SA], “Official Gazette of the Republic of Croatia”, No. 48/03, 163/03, 35/05, 127/13, and 33/15 and 14/19.

(SA 2019, Art. 3)

An Act to make provision for and in connection with offences relating to offensive weapons [Offensive Weapons Act], 16th May 2019, www.legislation.gov.uk/ukpga/2019/17/pdfs/ukpga_20190017_en.pdf, last accessed 20 December 2019.

(Offensive Weapons Act 2019)

Legislative acts of the European Union

The title of the legislative act, the number of the official gazette, the publication date, and the number of the page in the same format as on the *EUR-lex* website: <https://eur-lex.europa.eu/homepage.html>.

Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers, OJ L 55, 28.2.2011, p. 13–18.

(Regulation 182/2011, Art. 3)

Web sources

Surname, Name, or name of the corporate author [acronym]. Year of publication or n.d. – if the year of publication cannot be determined. “The name of the web page.” *The name of the website*. Date of creation, modification, or the last access to the web page, if the date cannot be determined from the source. URL.

Bilefsky, Dan, and Ian Austen. 2019. “Trudeau Re-election Reveals Intensified Divisions in Canada.” *The New York Times*. <https://www.nytimes.com/2019/10/22/world/canada/trudeau-re-elected.html>.

(Bilefsky and Austen 2019)

Institute for Political Studies [IPS]. n.d. “The 5th International Economic Forum on Reform, Transition and Growth.” *Institute for Political Studies*. Last accessed 7 December 2019. <http://www.ips.ac.rs/en/news/the-5th-international-economic-forum-on-reform-transition-and-growth/>.

(Institute for Political Studies [IPS] n.d.) – *First in-text citation*

(IPS n.d.) – *Second and every subsequent citation*

Associated Press [AP]. 2019. “AP to present VoteCast results at AAPOR pooling conference.” May 14, 2019. <https://www.ap.org/press-releases/2019/ap-to-present-votecast-results-at-aapor-polling-conference>.

(AP 2019)

Special cases of referencing

Citing editions other than the first

Surname, Name. Year of publication. *Title*, edition number. Place of publication: Publisher.

Bull, Hedley. 2012. *The Anarchical Society: A Study of Order in World Politics*, 4th edition. New York: Columbia University Press.

(Bull 2012)

Multiple sources of the same author

1) *Multiple sources by the same author* should be arranged chronologically by year of publication in ascending order.

Mearsheimer, John J. 2001. *The Tragedy of Great Power Politics*. New York: W. W. Norton & Company.

Mearsheimer, John J. 2010. “The Gathering Storm: China’s Challenge to US Power in Asia.” *The Chinese Journal of International Politics* 3 (4): 381–396. DOI: 10.1093/cjip/poq016.

2) *Multiple sources by the same author from the same year* should be alphabetized by title, with lowercase letters attached to the year. Those letters should be used in parenthetical citations as well.

Walt, Stephen M. 2018a. *The Hell of Good Intentions: America’s Foreign Policy Elite and the Decline of U.S. Primacy*. New York: Farrar, Straus and Giroux.

(Walt 2018a)

Walt, Stephen M. 2018b. “Rising Powers and the Risk of War: A Realist View of Sino-American Relations.” In *Will China’s Rise be Peaceful: Security, Stability and Legitimacy*, ed. Asle Toje. 13–32. New York: Oxford University Press.

(Walt 2018b)

3) *Single-authored sources precede multiauthored sources beginning with the same surname* or written by the same person.

Pollitt, Christopher. 2001. "Clarifying convergence. Striking similarities and durable differences in public management reform." *Public Management Review* 3 (4): 471–492. DOI: 10.1080/14616670110071847.

Pollitt, Christopher, Johnston Birchall, and Keith Putman. 1998. *Decentralising Public Service Management*. London: Macmillan Press.

4) *Multiauthored sources with the same name and surname* as the first author should continue to be alphabetized by the second author's surname.

Pollitt Christopher, Johnston Birchall, and Keith Putman. 1998. *Decentralising Public Service Management*. London: Macmillan Press.

Pollitt Christopher, Colin Talbot, Janice Caulfield, and Amanda Smullen. 2005. *Agencies: How Governments do Things Through Semi-Autonomous Organizations*. New York: Palgrave Macmillan.

Special cases of parenthetical citation

Exceptions to the rule of placing the parenthetical citation at the end of a sentence

1) If the *author is mentioned in the text*, even if used in a possessive form, the year must follow in parenthesis, and page numbers should be put in the brackets at the end of the sentence.

For the assessment, see Kaltwasser *et al.* (2017) ... (112).

According to Ellwood (2018) ... (7).

2) When *quoting directly*, if the name of the author precedes the quotation, the year and page numbers must follow in parenthesis.

Mearsheimer (2001, 28) claims that: "...".

3) When *using the same source multiple times in one paragraph*, the parenthetical citation should be placed either after the last reference (or at the end of the paragraph, preceding the final period) if the same page (or page range) is cited more than once, or at the first reference, whereas the subsequent citations should only include page numbers.

Do not use *ibid* or *op. cit.* with repeated citations.

Using brief phrases such as “see”, “compare” etc.

Those phrases should be enclosed within the parenthesis.

(see: Ellwood 2018)

Using secondary source

When using a secondary source, the original source should be cited in parenthesis, followed by “quoted/cited in” and the secondary source. The reference list should only include the secondary source.

“Its authority was greatly expanded by the constitutional revision of 1988, and the Court of Arbitration can now be regarded as a ‘genuine constitutional court’” (De Winter and Dumont 2009, 109 cited in: Lijphart 2012, 39–40).

Lijphart, Arend. 2012. *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, 2nd edition. New Haven & London: Yale University Press.

Multiple sources within the same parentheses

1) When *multiple sources* are cited, they should be separated by semicolons.

(Mearsheimer 2001, 34; Ellwood 2018, 7)

2) When *multiple sources by the same author*, but published in different years are cited, the name of the author is cited only the first time. The different years are separated by commas or by semicolons where page numbers are cited.

(Mearsheimer 2001, 2010) or (Mearsheimer 2001, 15–17; 2010, 390)

3) When *different authors share the same surname*, include the first initial in the parenthesis.

(M. Chiti 2004, 40), (E. Chiti 2004, 223)

Chiti, Edoardo. 2004. “Administrative Proceedings Involving European Agencies.” *Law and Contemporary Problems* 68 (1): 219–236.

Chiti, Mario. 2004. “Forms of European Administrative Action.” *Law and Contemporary Problems* 68 (1): 37–57.

TEXT FORMATTING

General guidelines for writing the manuscript

The manuscript should be written in Word, in the following manner:

- Paper size: A4;
- Margins: Normal 2.54 cm;
- Use Times New Roman font (plain letters) to write the text, unless specified otherwise;
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