

EXITITIS IN EUROPE?

Yugoslavia as the First European Disunion

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Yugoslavia (YU), a multinational federation, collapsed into civil war and ultimate dissolution in 1991, exactly when the European Union (EU) was coming into existence as a multinational federation. What failed in YU, and is threatened in EU, is the concept of a federation composed of nation-states in the European sense of that term, in which the nation (as ethno-religious community) is sovereign in its own state (territory plus government). If the EU remains defined as a single polity of nation-states whose sovereignty is subordinated to regulatory processes from Brussels, which nationalists can charge are damaging to the interests of their particular ethno-nation's control over their own state, its future seems as unpromising as was Yugoslavia under socialism.

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Introduction: Forming the EU and Dissolving YU, 1991–92

Unlike the rest of this special issue, this article¹ deals indirectly with Brexit matters, as one way to show how Brexit and European integration within the EU may not be as *sui generis* or idiosyncratic as some scholars and other critics might suppose. I argue that anthropological and other social scientists' approaches to the history, politics and economics of European integration today may benefit from attention to a wider European context, temporally and spatially. I discuss events in 1989–91, in what was still Yugoslavia (YU), that should be seen, I argue, as precursors of the problems of the European Union (EU) as a multi-state system. There is some irony here: Yugoslavia collapsed into warfare, accompanied by the construction of new borders, at exactly the moment when the European Communi-

ty was under the Maastricht Treaty (1992) becoming the European Union, and controls on the borders between most of the new EU member states were largely eliminated under the Schengen Convention (1990). Thus as the European Union came into existence as a quasi-federation composed of sovereign nation-states, Yugoslavia underwent disunion, the federation disintegrating into sovereign, mutually antagonistic nation-states; moreover, the creation of those states was encouraged by the new EU, which also insisted on the inviolability of the new borders created between them (see Hayden 1993, 1996b; Woodward 1995a).

My analysis compares the institutional structures of the EU, set up under the Lisbon Treaty (2007) that supplanted the Maastricht Treaty, with those of YU under its final constitution (1974). While constitutional structures are often regarded as technical

matters of legal interpretation and their comparisons left to lawyers and political scientists, the question of how separate nations managed to be both completely independent in their own affairs yet united into a larger confederacy was the key issue of one of the first fieldwork-based ethnographies, Lewis Henry Morgan's *League of the Iroquois* ([1851]1962). Morgan's analysis of the clan structure of the Iroquois as providing identities that cross-cut the national ones is not closely relevant to my task, though the clans might easily be brought into the realm of what Benedict Anderson (1983) called "imagined communities." But what is relevant is the close attention to the meanings attributed to key concepts. In Morgan's case, these were the Iroquois nations (Seneca, Mohawk etc.) and clans ("tribes" in his terminology): Wolf, Bear, Beaver etc. In contemporary Europe, regarding both the YU and EU federations, the key terms are *nation* (e.g. Slavic *narod*, German *das Volk*) conceptualized as ethnic unities, and *state*: territory and government in which that nation is sovereign. Thus the preamble of the Basic Law of the Federal Republic of Germany, still in force, specifies that it is adopted by "the German people [*das Deutsche Volk*] in the exercise of their constituent power" and thus applies "to the entire German people [*für das gesamte Deutsche Volk*]." It is this state, of and by the German nation, that joined other, similarly-conceptualized European states in the EU, just as the similarly-conceptualized states of the various Yugoslav nations (*narodi*) joined to form YU, as analyzed below.

As for fieldwork on the social processes involved in the breakdown of a federation: the force of circumstances meant that the violent dissolution of YU was not a process that I could analyze from afar and after the fact. To the contrary: I had started to do research in Yugoslavia in 1981, when it was the most prosperous state in socialist Eastern Europe, the Communism with a human face that the Czechs had longed for in 1968 but had been crushed there by the Soviets. Yugoslavia then was widely seen as a model for the world of how a multi-lingual/religious/national society could overcome the terrible legacies of a ghastly war, the one in 1941–45 (see, e.g., Rusinow

1977). Yet suddenly the country where my wife was from and my oldest child was born, where I had been living for months every year not just as researcher but as affinal kin, friend, neighbor, and everyday resident, was moving rapidly toward a breakup that everyone knew would be violent; "we'll be in blood up to our knees" (*bićemo u krvi do kolone*) was a phrase I heard frequently.

As it happened, my law credentials had worked better in 1981 for a Fulbright fellowship than my not-quite-defended PhD in anthropology, so within Yugoslavia I was affiliated with academic law institutions. As the country went into the political processes that destroyed the federation, this positioning led to participant observation in the most literal sense: an opinion piece in a newspaper with a Belgrade law faculty colleague (Lilić & Hayden 1989) was possibly the first analysis of a constitutional issue co-authored by a Yugoslav and a foreign scholar to appear in the press in still-communist Yugoslavia. Over the next decade I was, among other things, a public intellectual in Serbia, at least, and also took on assignments ranging from a five-day diplomatic career as a personal advisor to the last prime minister of Yugoslavia during a high-level diplomatic meeting (London Conference, August 1992), to fact-finding missions for various NGOs, to serving as an expert witness in the first trial of the first international war crimes tribunal after the Nuremberg and Tokyo processes after World War II, to helping facilitate the only meeting held between the presidents of Serbian and Kosovo Albanian political parties, in 1998. Issues of how to create constitutional structures to accommodate antagonistic nation-state entities remained a constant, from the last years of Yugoslavia, through various iterations of negotiations from 1992 until 2013 over structuring Bosnia-Herzegovina, and assessing American proposals for a federal solution for a Kosovo nominally within Serbia yet de facto independent, 1997–99. Coming from this background, central issues of *Brexit* seemed strikingly familiar: a federal structure confronting the politics of a member state that were grounded on the position that ethno-national sovereignty was prevented by membership in the larger

structure. Similarly to Yugoslavia, where the concept of a multinational citizenship was defeated by several separate and separatist nationalisms, Brexit was driven by an English nationalism, not a British one, and a vision of a white English nation threatened by others (Calhoun 2017). This English nationalism was countered by a separatist Scottish nationalism, and Scotland voted against Brexit. Thus, as in Yugoslavia, separate nationalisms won in referenda in geographically defined polities, with English nationalism driving the pro-Brexit vote and thus successful almost exclusively in parts of England.

To begin with Yugoslavia: the forcible separation of the Yugoslav peoples, intermingled for centuries under various empires and the two Yugoslavias (1919–41; 1945–91/92), produced mass violence, the term “ethnic cleansing” being a literal translation of the Serbo-Croatian *etničko čišćenje* (Hayden 1993, 1996b). The general reaction to these events in Yugoslavia was shock that such violence could occur in Europe. Considering the abandon with which Europeans had been killing each other in the twentieth century alone, this shock seemed a bit misplaced, but was part of the general Orientalizing of the Balkans that dominated discourse then, and for that matter still (see Bakić-Hayden & Hayden 1992; Bakić-Hayden 1995; Goldsworthy 1998; Todorova 1994, 1997). More careful analysis shows, however, striking parallels between the pre-war political movements that ended YU in 1991/92 and those driving not only Brexit, but what the inimitable Prime Minister of Hungary, Viktor Orbán, has called “illiberal democracy,” and others have called racism and chauvinism (Kornai 2015; Scheppelle 2014). This is a form of populism, a form of state chauvinism that I have called “constitutional nationalism” (Hayden 1992), and which I discuss further, below.

Socialist Yugoslavia, from 1945–1991 a federal state under several constitutional configurations,² was composed of six national polities, its constituent republics, just as the EU is comprised of 27 of them, its member states. Comparing the EU and YU is thus not an artificial exercise. Both were formed initially out of the aftermath of World War II and the slaughter of both World Wars. The preamble of the

1951 Treaty establishing the European Coal & Steel Community (which led to the European Economic Community [EEC, 1957], thence the European Community [EC], and from 1993 the EU), states that the founders were “[resolved] to substitute for age-old rivalries the merging of their essential interests; to create, by establishing an economic community, the basis for a broader and deeper community among peoples long divided by bloody conflicts; and to lay the foundations for institutions which will give direction to a destiny henceforward shared.”³ Very similar rhetoric was included in the preambles of Yugoslav constitutional documents, from the declaration proclaiming the restoration of Yugoslavia in 1943 through the last constitution, of the Socialist Federal Republic of Yugoslavia, 1974. Both EU and YU were premised on overcoming the conflicts between their component nations, so deadly in the first half of the twentieth century, by forming federations composed not of equal citizens but by territorially defined national states (EU) and republics (YU). The key difference was that the EU is premised on free market economies and private property, while YU was premised on socialist economics and the uniquely Yugoslav institution of “social property” (*društvena svojina*), an exceptionally complicated concept which differed from both classic private property and the state property central to all other systems of state socialism (see Hayden 1990a: 33–37; Rusinow 1977; Woodward 1995b; the truly dedicated should see Gams 1982, 1988). Fascinatingly, and importantly, this fundamental difference in economic organization seems not to have been the crucial factor in determining the long-term viability of the composite federations. Ethno-nationalism, instead, is a configuration common to both, as evidenced in their respective constitutional infrastructures, the 2007 Treaty of Lisbon being the de facto constitutional document of the EU. In both cases, the larger structure was composed of states, almost all of which are grounded on constitutional nationalism, with sovereignty formally resting in the ethnic nation, not a body of undifferentiated citizens. And in both cases, referenda on independence were won by political parties advancing a platform of the

necessity of the ethno-national majority in the constituent state polities needing to be sovereign in their own state, free of interference from a larger encompassing polity.

In fact, the breakup of Yugoslavia began as a constitutional crisis, in which several of the constituent republics asserted complete sovereignty within their own borders, including the right to ignore the federal constitution and laws (Hayden 1990b, 1992, 1999; Lilić & Hayden 1989). This meant confederalizing what had been a federal state, the difference being that in a federation, the central government has authority over some aspects of social and economic life within the federal units, while in a confederation the supposed central government actually has no constitutionally or legally binding authority, its efforts at government being what Alexander Hamilton described in *Federalist Papers* 15 as “mere pageants of mimic sovereignty” (Madison, Hamilton & Jay [1788]1987: 146). But conceptually, this confederalization reflected the basic premise that each Yugoslav republic was the political embodiment, as a state with its own territory and government, of an ethno-nation (*narod*, from the root *~rod*, “birth”). While sovereignty under socialism was defined constitutionally as belonging to “the working class and all working people,” the constitutions of the various Yugoslav republics were amended to rest sovereignty, instead, in the majority nations of each republic – Slovenes in Slovenia, Croats in Croatia, Serbs in Serbia etc. This is the link between ethno-nation and sovereignty that forms “constitutional nationalism” (Hayden 1992). The exception was Bosnia-Herzegovina, where there was and is no single majority ethno-nation and where no constitutional framework for a workable state has been accepted by its elected representatives since the end of communism, since the population self-partitioned into essentially three separate electorates: Croat, Serb and Muslim/Bosniak (Basta 2016; Bougarel 1996b, 1996a; Burg & Shoup 1999; Hayden 1993, 1999, 2005, 2006).

The de facto confederalization of Yugoslavia made what was still formally a single state-member of the United Nations into a collection of independent states, albeit not yet internationally recognized ones,

with a central government that was increasingly powerless to actually exercise governmental authority in the country. The formal reason for this powerlessness was that decision-making required unanimity, which is actually a mechanism for blocking decision-making rather than for achieving it. Under state socialism, this requirement was not critical because the Central Committee of the League of Communists of Yugoslavia acted as what Dennison Rusinow (1977), drawing on Tolkien’s *Lord of the Rings*, called “one ring to bind them” (whether President Tito might thus have been seen as Sauron was left unstated), dictating the consensus to the relevant organs of government. But the point is that under this system that required unanimous consent of multiple member states, decisions could only be reached by un-elected political authorities.

The EU, of course, is very different from socialist Yugoslavia, not least because Yugoslavia was not democratic and the EU is. Or at least, the EU’s component states are – though Orbán’s “illiberal democracy” in Hungary, already noted, stretches the limits. However, there is striking similarity in the systems for creating a polity composed of European nation-states, the 1974 Yugoslav constitution and the Lisbon Treaty. Let’s start with the Presidency of Yugoslavia and the Council of the EU. Marshall Tito was President of the Republic but that office ended with him, leaving instead a group presidency with a rotating President of the Presidency, *primus inter pares*, if you will. The members of this presidency were sent by their home republics/autonomous provinces (hereafter simply republics), and the rotation of the presidency of the Presidency was pre-determined in date and in terms of which republic’s representative would assume the position.

To those who study the EU, this rotating presidency should sound familiar, because the Council of the EU operates in much the same way. There were also qualified majority voting rules in the YU Presidency, as in the Council. And while the Council of the EU is made up of ministers, rather than top-level politicians, so was the Presidency of YU. Real power lay in the constituent members of the federation, just as it lies with the leaders of the EU member states, not the EU itself.

The YU Presidency was, and the Council of the EU is, largely symbolic, not executive. Executive authority in both systems lies elsewhere. In Yugoslavia, central executive power was held by the Federal Executive Council (FEC), with a prime minister and two deputies who were nominated by the Presidency and confirmed by the Federal Assembly. They then formed the Government, which proposed legislation to the Federal Assembly and exercised executive authority. In the EU, we find the European Commission, under a president nominated by the European Council (not the Council of the EU mentioned above; more on the European Council below) and confirmed by the European Parliament. It is the Commission that functions as an executive authority.

Note that neither system provided/provides for accountability to voters for either the state (Presidency of YU/Council of the EU) or government (FEC/European Commission), except through confirmation of political appointees by a parliament. Which brings us to the parliaments. The European Parliament, the members of which are directly elected, generally does not have the right to initiate legislation, but rather is able to approve, or fail to do so, legislation proposed by the Commission, and even then, this approval power is shared with the Council under “co-decision” rules. This “co-decision” process is more empowering than earlier provisions by which the Council was required to “consult” with the parliament before passing legislation, but could ignore the views of parliament, but is still a long way from being a co-equal branch of government.

As for YU, the bicameral parliament did have the right to initiate legislation, but in practice the FEC proposed legislation to the Federal Assembly. There were also provisions by which the Federal Assembly needed to gain assent from qualified majorities of the republican/provincial assemblies for legislation to pass. In practice, all of this meant that everybody was expected to follow the directives of the League of Communists of Yugoslavia, but if there were problems the FEC and the presidency could impose temporary legislation.

So where did/does power lie? In YU, this was easy: Basic Principle VIII of the 1974 constitution pro-

claimed the League of Communists of Yugoslavia (LCY) to be the “prime mover and exponent of political activity.” This was Rusinow’s single “ring of power,” though the drafters never anticipated that the LCY itself would fail, as it did in January 1990. As for the EU, Art. 15.1 of the Lisbon Treaty provides that “The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof.”²⁴ Recall that it is this European Council that nominates the president of the European Commission, and you see a structure quite like that of the LCY.

A big difference, of course, is that the European Council is composed of the heads of state or of governments of the member states, thus of people who do have democratic political legitimacy – but each of whom is elected by, and responsible to, only one of the state members, not the entire population. And indeed, here comes another similarity between YU and the EU: no political actor was/is ever responsible to the entire population. The EU, like YU, is composed of states, and political representation is mediated by the states, never directly to a body of European citizens.

In fact, when the LCY fell apart in 1990, Yugoslavia briefly had what was effectively, if informally, the Yugoslav equivalent of the European Council in that the presidents of the republics met frequently as a body to try to decide basic issues. This did not work because, as elected politicians, each president was responding exclusively to his own electorate, at the expense of Yugoslavia as an entity; and since all decision making had to be unanimous, no decisions could be made.

Thus in 1991–92, while the EU was being formed as a de facto confederation being held together by an unelected executive authority that claims to act according to the highest principles of morality and economic justice, the former YU was “in a process of dissolution,” as the EU’s legal committee put it (see Hayden 1999: 87–98), into a confederation of independent states. The YU breakup occurred because the unelected authority that had previously acted in accordance with what it proclaimed to be the highest

principles of morality and economic justice, had lost legitimacy when elections were actually held.

The EU, of course, has not broken up into wars between its component states, but then, the ethnic cleansings accomplished in central Europe during, between and after the two world wars has left relatively few states in which a large ethno-national minority lives in part of its traditional territory within the borders of another EU member state. Ethnic Hungarians in Romania and Slovakia provide the best major exception; Cyprus is *sui generis* within the EU in that its territory is partitioned on ethno-national grounds, with one-third of it outside of the control of the EU-state government and *de facto* an independent state, albeit one recognized only by Turkey. So in the event of a breakup or partial breakup of the EU, I am not anticipating wars such as those that were undertaken to make the distributions of the ethno-national communities of Yugoslavia more or less match the borders of the states recognized as independent in 1991/92⁵ or 1999 (Hayden 1996a, 2005; Pejanović 2017; Toal & Dahlman 2011). What is comparable, however, is the logical incompatibility between traditional European nation-states (in which the ethno-nation achieves sovereignty by having its own territory under a government of, by and for only the members of that ethno-nation) and ethno-federal structures such as was YU, and such as is the EU. As I argued when Yugoslavia collapsed, the sharing of sovereignty required between the central authorities of a federation and its components (constituent states, republics or other “entities”) is presented by nationalists as a violation of the full sovereignty of the ethno-nation (Hayden 1992). In my analysis, this systemic weakness, in the EU now as in YU in 1990–91, has led to Brexit and facilitated further threatened secessions, such as Catalonia, and to the inability of the EU to respond to the rise of national chauvinist regimes in places like Hungary and Poland. In all of these cases, the concept of sharing sovereignty in the sense of political competence over various areas of social and economic interaction, was successfully presented as an unacceptable weakening of the ethnic nation’s ability to determine its own fate.

Retreating from the Future

That a formerly state socialist polity should presage state chauvinism in post-Cold War Europe is ironic, but perhaps should not be unexpected. State socialism always claimed to be on the path to a better future, and the former Yugoslavia, even more than most other socialist states, promoted a self-image of being *avant-garde*. This was a society, after all, in which football teams and factories were named *Progres* and *Budučnost* (the future), and Yugoslav self-management was both less repressive and more economically productive than the Soviet-based state socialist systems. In the 1970s, Yugoslavia was more prosperous than Greece, Portugal and Spain (see Patterson 2011; Rusinow 1977), and also had long ago defeated the fascism that still ruled those countries until 1974/75. Arguably, Yugoslav workers were better off than British ones at that time, with a developed, affordable consumer culture (Patterson 2011), highly developed domestic tourism that included free family vacations at “workers’ resorts” (Yeomans 2010) that were cutting-edge architecture and integrated into international tourism (Mrduljaš 2018), plus the ability to build private “weekend homes” (*vikendice*) and rent them to tourists (Taylor 2010). Further, Yugoslavs were the first to recognize the failings of state socialism as an economic and political system, opening the borders in 1966, liberalizing the press in the 1980s, and using sharp domestic criticisms of the socialist system (Mirić 1984; Županov 1983) to start to transform the economic and political systems from state socialism into social democracy. Or so thought the liberal intellectual opposition and many younger members of the League of Communists of Yugoslavia (it being part of Yugoslavia’s differentiation from other state socialist systems that the Party was not a party, but a League). Reality turned out otherwise, as we all know.

But maybe Yugoslavia actually was *avant-garde* after all. International Monetary Fund (IMF) and World Bank (formally International Bank for Reconstruction and Development [IBRD]) response to Yugoslavia’s foreign debt crisis in the 1980s not only destroyed the economic reforms that the government was trying to make, but also induced the economic

hardships that drove the politics of division and led to war (Woodward 1995a). In this regard, the readiness of the main world economic actors to impose austerity was demonstrated long before the EU/IMF/IBRD troika impoverished the Greeks (Varoufakis 2017), making Yugoslavia the first European lamb sacrificed to the god-substitute of economic neoliberalism, and reminding us that Kenneth Burke's examples of "god terms" were drawn from economics (Burke 1969).

The economic aspects of the Yugoslav catastrophe have been well studied by Susan Woodward (1995a: 1–113). My concern here is with the politics of state chauvinism that replaced state socialism in the republics of ex-Yugoslavia in 1990–91, and have recently become prominent, even dominant, in places like Bulgaria, Hungary, Lithuania and Poland – to say nothing of so many Brexit voters in the UK, and Republicans in the U.S. The combination of economic downturn leading to the success of chauvinistic nationalism at republican levels, and a weak, confederal framework at the YU level that prevented action by the central authority, induced Slovenian and Croatian secessions, which we might now call "Sloxit" and "Croxit". Politicians in these two most economically advanced republics of YU claimed that their republics were being economically exploited by the less-well-off republics to the south and east of them. In addition, the ambitions of Serbian politician Slobodan Milošević to become a new ruler of all of Yugoslavia were rightly seen as threatening to the leaderships of other republics. However, instead of uniting to oppose Milošević, the political parties and actors who drove the secessionist politics in Slovenia and Croatia in 1990 instead followed secessionist policies, which had as their main targets people who were fellow Yugoslavs but not ethnic Slovenes or Croats, respectively, depicting them in Orientalizing terms.

Already by the mid-1980s, there was increasing resentment in Slovenia against "Bosnians" (*Bosanci*), by which was meant non-Slovene Yugoslavs of any identity who were living and working in Slovenia. The slightly Slavicized German term *Gastarbeiteri*, "guest workers," was applied to such people, who were said to be culturally inferior to Slovenes, with

few educational qualifications yet taking jobs from the native Slovene population (see Bernard 2019; Mežnarić 1986). In these discourses, the fact that many such putative "Bosnians" were of Muslim or Orthodox Christian heritage rendered them culturally inferior, even within the framework of the officially atheist socialist state (see Bakić-Hayden 1990; Bakić-Hayden & Hayden 1992; Bakić-Hayden 1995; Dragović-Soso 2002); this form of Orientalizing was later manifested by leading intellectual and political figures in each of the Yugoslav peoples in regard to their fellows to the south and east of them (Bakić-Hayden 1995). The complaints in Slovenia and Croatia that such undesirable immigrants were threatening not only the livelihoods but the way of life of the native population drove the demands for full sovereignty through secession and the establishment of an independent state. They were also intentionally designed to offend Serbs, in particular. One leader of the Slovenian demonstrations against Serbia in 1987 told me two years later that he and his colleagues knew that since Serbia had formed Yugoslavia, only Serbia could destroy it, so their task was to turn Serbs against the joint state. They therefore undertook actions that were meant to achieve that goal. Since Milošević had already concluded that he could not become a new Tito and rule over all of Yugoslavia, he was more than willing to target Slovenia as the enemy of Serbia (Belić & Bilbija 1989; Dragović-Soso 2002: 177–205; Woodward 1995a).

The political rhetoric in these more economically developed parts of Yugoslavia against their fellow Yugoslavs thus presaged the anti-immigrant posturing of Brexit supporters thirty years later. Reading about attacks on Poles and Muslims in Britain at the time of the Brexit vote (see, e.g., Holden 2016), I had the uneasy feeling of being unable to distinguish *déjà vu* from *déjà vécu*. I had definitely seen this phenomenon before, even though the locations, languages and national identities concerned were different from what I had seen thirty years earlier. Also similar, of course, was the stress of the Brexit supporters on the need to achieve full national sovereignty by secession from the composite federation. England's ability to discriminate against "foreigners," however

defined, would be impaired were the UK still bound by the EU's requirements for equal treatment of EU citizens, and for the binding nature of the European Court of Human Rights.

Since Yugoslavia was premised on a future of peace and prosperity through a federation of its component nations, and their equality, the repudiation of the federation, as well as of the premises of equality and "brotherhood and unity" between its peoples (*bratstvo – jedinstvo*, a key ideological concept of Yugoslavia from 1945 until the country's end) amounted to a retreat from the future. That in 1990–91, this rejection was said to be necessary to ensure that Slovenia and Croatia could join "Europe" and the EU (Hayden 1990b, 1992; Dragović-Soso 2002) – and have in fact done so – gives a special flavor to the phenomenon.

State Chauvinism and its Constitutional Forms

The basic question is this: whose interests are supposed to be served by the state, defined most simply as a government acting within a defined territory? The idea that such a state should be a polity of equal citizens, with the citizens the bearers of sovereignty, was the American idea that de Tocqueville had seen as such a striking experiment, in 1832. Indeed, the term "citizen" itself was new in 1776, as opposed to "subject." The Library of Congress has reported that in an early draft in that year of the American Declaration of Independence, Thomas Jefferson first referred to the Americans as "subjects," but then crossed out that word and replaced it with "citizens."⁶ The difference was precisely in reference to sovereignty, with "subjects" being subordinated to the sovereign ruler, but "citizens" themselves collectively comprising the bearer of sovereignty.

Whatever might be its empirical failings in the USA, this idea – that the state serves the sovereign people defined as all citizens – has not been widely accepted in Europe. Notoriously, the national awakenings of 1848 were premised on the idea that the nation (*das Volk; narod*) was a community defined by what Boas later termed race, language and culture (mainly literature and religion) (Namier 1992). On the other side, Marx, of course, saw the basic com-

munities of humanity not as nations but as classes. The opposition was between what Gellner (1989) has called "the *dramatis personae* of history," collective actors of either nation or class, as the embodiments of sovereignty, with the idea of a polity of equal, sovereign citizens absent from either configuration.

If in the national state the nation, ethnically defined, is sovereign, citizens not members of that sovereign nation are not bearers of sovereignty. In the electoral campaign in Israel in 2019, Benjamin Netanyahu was explicit about this, saying that "Israel is not a state of all its citizens. According to the basic nationality law we passed, Israel is the nation state of the Jewish people – and only it."⁷ It is in this sense that Shlomo Avineri saw Israel as a classic central European polity (Avineri 1996), and Rogers Brubaker's distinction between the territorially-based citizenship of France and blood-based citizenship of Germany seems misplaced (Brubaker 1998). As Tocqueville could have told him, the *égalité* of French citizenship is limited, and John Bowen (2007) and Michael Herzfeld (1992) told us years ago about the distinctions between the French and the non-French French, those who might be born in France and are thus French citizens, but not ethnically French.

Under socialism, as already noted, sovereignty was defined as belonging to the working class and all working people, not to all citizens. It should not be surprising that when this collective bearer of sovereignty fell, what replaced it was not the American ideal of a polity of equal citizens, but the other classic European one: of the sovereignty of the nation, ethnically defined. The result was the redefinition of the socialist states from state socialism to state chauvinism, or constitutional nationalism (Hayden 1992), in which the state is defined constitutionally as belonging to a single ethnic nation; it is that nation, not the body of citizens, that is sovereign.

In the soon-to-be-former Yugoslavia, it was this nationalistic formulation that drove secessionist movements, starting with Slovenia and Croatia; Serbia used the same logic but mainly to argue for accession to Serbia of territories in other republics with large Serbian populations (Dragović-Soso 2002; Mann 2005: 353–381). As already discussed,

this logic was given power by the usual kinds of Orientalist denigrations of peoples (nations, *narodi*) to the east and south as primitive, non-European etc., which Milica Bakić-Hayden (1995) has generalized as the pattern of “nesting Orientalisms.” The other claim made by the Slovenes and Croats was that they, as the wealthiest nations in Yugoslavia, were being held back by inclusion within the Yugoslav federation, since it meant that their economic fate was tied to that of the poorer regions in the country. A *New York Times* article just before the Slovenian elections in 1990 admirably if uncritically conveyed the spirit of the rhetorics emanating from Slovenia and Croatia at the time, referring to the Slovenes as “industrious Roman Catholic Slavs whose culture was shaped by centuries spent under Austrian rule,” and for whom “southern Yugoslavia, where the religion is either Muslim or Eastern Orthodox, is a foreign country, strange and threatening” (quoted in Bakić-Hayden & Hayden 1992: 10).

In regard to being part of a multinational federation, the Slovenian presidency at that time issued a statement that was certainly clear:

The principle of majority decision in single-nation communities is the democratic way of decision making. However, this is not valid for decision-making in multi-national communities, particularly in multi-national federal communities. The modern development of democracy demands the consideration of nationality and the protection and assurance of the minorities through inclusion of the principle of agreement of the members, in decision making in the Federation. (Presidency of S[ocialist] R[epublic of] Slovenia, proposals for a new constitutional structure for Yugoslavia, *Borba*, January 28, 1990: 11; quoted in Hayden 1990b: 55).

Note that in this formulation, minorities are only to be protected in multinational federal communities, where they are given a veto power; but in the single-nation state, majority decision-making applies, with no concern for minorities. As for Slovenia being a single-nation state, that was clear from the constitutional amendments of 1990 that defined Slovenia as

“the national state of the sovereign Slovene nation,” that last phrase, *suverena Slovenačkog naroda* making it more clear than it would be in English, that it is the ethnic Slovene nation that is sovereign, in its own state, and not the citizens of Slovenia.

The implications of the spread of this view for Europe are threatening. More than 25 years after the fact, I was surprised to find that in a field report on constitutional events in Yugoslavia in 1990, I had already made what might be a prescient statement:

[T]he idea that Europe can finally unite is an attractive one. Whether it is a realistic one is another question. Certainly the other countries of Europe have historical traditions of hostility that are at least as deeply rooted as any in Yugoslavia. At some point the interests of “Europe” are likely to conflict with what the government of one or more of the countries chooses to view as being in that country’s “interest.” At that stage, when local politicians attempt to make political capital by playing against other European nations, the efficacy of the various European Community mechanisms may turn out to be lacking. (Hayden 1990b: 57–58)

As already noted, the Lisbon Treaty’s provisions mandating unanimity in decision-making have already led to difficulties in the EU, notably on how to address the challenges posed by the Hungarian regime’s efforts to build “an illiberal state, a non-liberal state [that] does not deny foundational values of liberalism, as freedom, etc. But it does not make this ideology a central element of state organization, but applies a specific, national, particular approach in its stead.”⁸

As for the politics of state chauvinism, the secessionists in the former Yugoslavia in 1990 certainly also set the stage for Brexit. The nesting Orientalist frameworks of the denigration of putatively non-European, eastern, Muslim and non-Western-Christian populations was pronounced from the start. Further, it was the ex-Yugoslav republics that pioneered the rehabilitation of the fascists of the 1930s and 1940s that Kirsten Ghodsee has analyzed so effectively in other parts of formerly socialist

Europe (Ghodsee 2008, 2014). This symbolic rehabilitation of the fascist murders of the 1940s has followed or accompanied the violent ethnic cleansing of parts of Bosnia and Croatia by actors using the same rhetorical counters, and of the bureaucratic ethnic cleansing of 25,000 non-Slovene citizens of ex-Yugoslavia from Slovenia (Mandelc & Učakar 2011; Vezovnik 2013). Though the constitutional court of Slovenia and the European Court of Human Rights have held that the human rights of many of the so-called erased were violated and ordered various remedies,⁹ the Slovenian governments have resisted implementing these decisions, and the only recognized minorities remain the miniscule Italian and Hungarians ones. Of course, the EU seems to have no problem with similar exclusions of ethnic Russians from citizenship in the Baltic states, legitimating the denial of citizenship to about 30 percent of the population of Estonia on the grounds that a security risk occurs “if an ‘alien’ population – even if it is from the country in which it lives – does not reproduce the language and culture of the national minority” (Feldman 2005: 689).

Thus the secessionist movements from the former Yugoslavia in 1990–91 contained all of the elements the problems now facing the EU: right-wing politics building on economic disparities and also rehabilitating the fascists of the 1930s–40s, and the weakness of a confederal framework, the central agencies of which are operated by unelected political operatives to deal with secessionist movements that contain within themselves elements of the goal of increasing economic disparity, and frequently, outright chauvinism.

Is the Future Behind Us?

Maybe, then, socialist Yugoslavia actually was *avant garde* after all, manifesting in the 1990s the future of twenty-first-century Europe before the EU would do so. But surely that was not the future that socialism, or the EU, was supposed to achieve. So let me end with some comments on perhaps the most plaintive aphorism I have seen in post-socialist Europe, spotted on an art gallery in Belgrade in 2016: *Budućnost je iza nas* (the future is behind us).

What failed in YU, and seems threatened in EU, is the concept of a federation composed of nation-states in the European sense of that term, in which the nation (as ethno-religious community) is sovereign in its own state (territory plus government). This conceptualization is different from the conceptualizations of federalism in the USA, which is composed of states, none of which can be said to be the traditional territory of a single ethno-national group (“white nationalism” asserts that the entire USA should belong to white people, not any single state). It is also different from India, which, while composed of states defined mainly on linguistic grounds, has seen secessionist movements mainly on the margins, not from within the central area of the union (see Varshney 1993).

If the EU remains defined by a vision of nation-states whose sovereignty is subordinated to the regulatory processes of Brussels, its future seems unpromising. Whether an alternative vision is possible is a question that is beyond the scope of this article. It is also necessary to consider which aspects of the EU project are most valuable, and thus should perhaps be developed while other elements are reduced or abandoned. Again, this is a task beyond the scope of this article. However, the experience of the disunion of YU must stand as a serious indicator that unless the EU changes, its own future may be behind us.

Yet perhaps I should end on a different similarity. Slovenes and Croats demanded freedom from Yugoslavia in order to establish the sovereignty of the Slovenian nation (*narod*) in Slovenia and the Croat nation (*narod*) in Croatia, yet both states then joined the EU. Similarly, Scottish and Welsh nationalists demand independence but also claim that they want the newly independent Scotland or Wales to be part of the EU. Yet Brexiteers claim that it is only by leaving the EU that the UK can regain sovereignty – even though the possible secessions of Scotland (likely) and Wales (less likely) from the UK may turn Brexit into the demise of the UK as a union of constituent countries. From this perspective, EXITitis looks like a European variant of a syndrome diagnosed by none other than Abraham Lincoln in 1861, at the start of the American Civil

War, as southern states were seceding: “why may not any portion of a new confederacy, a year or two hence, arbitrarily secede again, precisely as portions of the present Union now claim to secede from it? All who cherish disunion sentiments, are now being educated to the exact temper of doing this.”¹⁰ EXITitis from Yugoslavia has thus far produced six states with near universal international recognition as embodied in UN membership (Bosnia-Herzegovina, Croatia, North Macedonia, Montenegro, Serbia, Slovenia), one de facto state without such universal recognition or UN membership (Kosovo), as well as two de facto states that failed (the “Republic of Serbian Krajina” in Croatia and the “Croatian Community of Herceg-Bosna” in Bosnia-Herzegovina, both 1991–95), as well as demands for secession from Bosnia-Herzegovina by the repeatedly re-elected leaders of Republika Srpska, an “entity” within that recognized state and with the recognized state itself having little actual governmental authority (Hayden 2005, 2011). There have also been, at various times and with varying levels of support, demands for seceding Istria from Croatia (early 1990s), Vojvodina from Serbia (also 1990s), and Sandžak from Serbia and Montenegro, among other such formulations. EXITitis in Europe can be seen in movements for the secession of Catalonia from Spain, as perhaps the most developed case, but there are others – notably Scotland and Wales from the UK, while the Turkish Republic of Northern Cyprus has de facto seceded from Cyprus, even if only Turkey has recognized it.

Actually, there are at least two demands by leaders of governments in the former Yugoslavia to accede their less-than-universally recognized states to other, recognized ones: Kosovo, to join Albania (the demand of the winner of the 2019 Kosovo elections, Albin Kurti), and the oft-repeated demands of Milorad Dodik, repeatedly re-elected leader of the Republika Srpska, to have that Bosnian “entity” join Serbia. Both of these cases show the logic of the nation-state in force, since in both cases the effort is to create a greater Albania, on the one hand, and greater Serbia, on the other, as nation-states in which the Albanian nation or the Serbian nation, respectively, is sovereign.

All of this tells us that the future of Europe seems still to rest on a basis of nation-states, defined in international law as “a community which consists of a territory and a population subject to an organized political authority” (see Hayden 1999: 87), in which the ethno-nation (*narod, nacia, das Volk*, etc.) is presumed to be the community that is sovereign in its own state. If that is the case, then EXITitis will likely remain active in the political configurations of Europe, as politicians marshal voters with the siren call of “sovereignty of the nation,” and claim that such sovereignty is impaired by membership in a multi-state polity: YU, EU, UK ... and others?

Notes

- 1 This article is developed from remarks prepared for the roundtable on “Brexit Matters: Transformations in Regional, National and European Integration,” annual meeting of the American Anthropological Association, Washington, DC, December 2, 2017. Thanks for helpful comments are due to two anonymous reviewers and to the editors.
- 2 Thus the Federal Peoples’ Republic of Yugoslavia, 1945–63, with a constitution (1946) and a constitutional law that revised it (1953), and Socialist Federal Republic of Yugoslavia (1963–1992/92) with two constitutions (1963, massively amended 1971, and 1974, massively amended 1988). See Rusinow (1977) and Hayden (1990b).
- 3 Treaty establishing the European Coal and Steel Community (Treaty of Paris) 1951.
- 4 <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12016M/TXT&from=EN>.
- 5 Bosnia and Herzegovina providing a variant that proves the rule: though officially a single state, the population lives overwhelmingly separated territorially in its two constituent “entities,” Serbs in the Republika Srpska, Croats and Muslims in the Federation; and within the latter, Croats are concentrated in only a few cantons (see Pejanović 2017; Toal & Dahlman 2011; Hayden 1993, 1996b and 2005).
- 6 <https://www.loc.gov/wiseguide/aug10/subject.html>. Accessed October 12, 2020.
- 7 <https://www.theguardian.com/world/2019/mar/10/benjamin-netanyahu-says-israel-is-not-a-state-of-all-its-citizens>.
- 8 “Full text of Viktor Orbán’s speech at Baile Tuşnad (Tusnádfürdő) of 26 July 2014,” <https://budapestbeacon.com/full-text-of-viktor-orbans-speech-at-baile-tusnad-tusnadfurdo-of-26-july-2014/>.
- 9 The various decisions are discussed at length in the case before the European Court of Human Rights,

Kurić and others v. Slovenia (2012); see <http://hudoc.echr.coe.int/eng?i=001-111634>.

10 Abraham Lincoln, First Inaugural Address, March 4, 1861.

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