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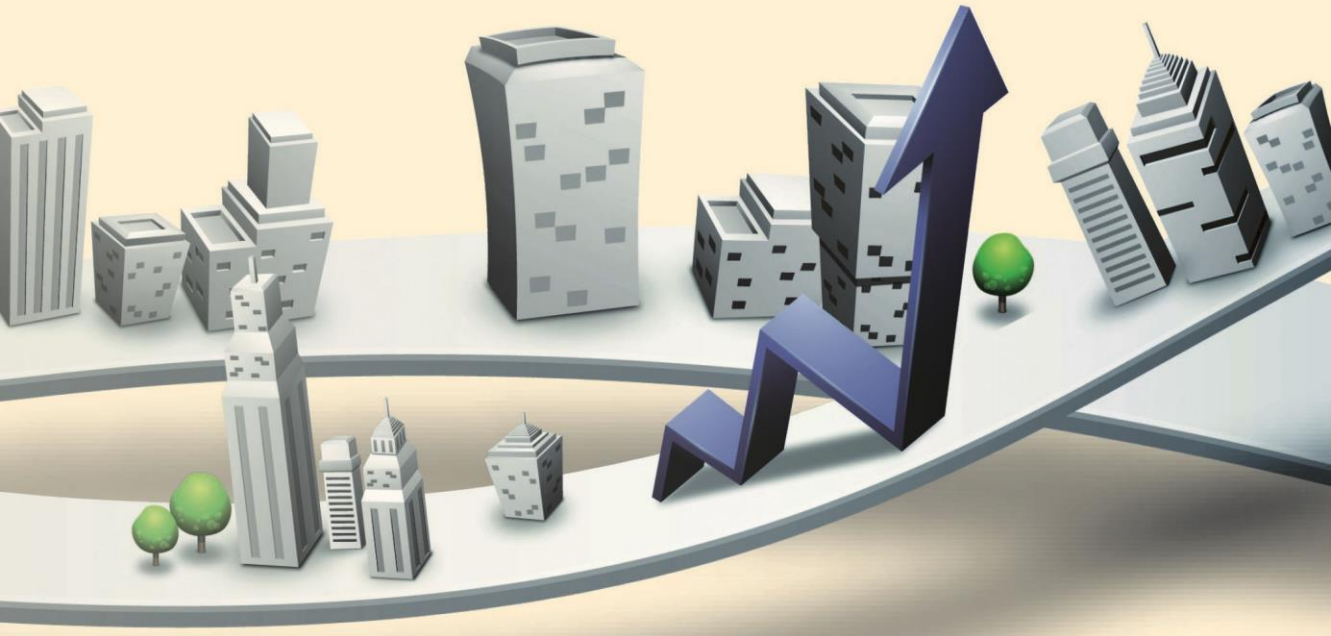

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Profile of Contemporary Criminal Investigator in Film and Television Content

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Abstract

People have been fascinated by detective novels and complicated investigations since the advent of the detective novel as a literary form in the mid-19th century. The progenitors and early popularizers of this genre, such as Edgar Allan Poe and Arthur Conan Doyle, prepared the ground for later authors of this popular genre. In the meantime, from the beginning to the present day, the techniques and methods of criminal investigations have been immeasurably improved. Criminal and detective fiction has followed innovations, so it has always remained relevant and representative in relation to real-life investigative techniques and methods. Significant development of the TV series as a medium and a massive increase in the quality of the recorded program through a significantly more serious approach and involvement of professionals from the film industry, somewhere since the beginning of the XXI century, has led to a change in approach to procedural and criminal TV series. Instead of the previously trendy but unrealistic and pseudo-scientific procedural programs and detectives whose characterization did not correspond to reality, a new wave of crime series has emerged that is significantly more grounded in reality and faithfully shows the methods and modalities of investigative actions and personalities of criminal investigators. We aim to identify common professional and psychological characteristics of subject investigators using media content analysis, narrative analysis, characterization analysis, and other appropriate analytical methods, and to propose a profile of a modern criminal investigator who, very importantly, corresponds with investigators in real life.

Keywords: criminal investigators, murderers, movies, TV series, characterization, profiling

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Profile of Contemporary Criminal Investigator in Film and Television Content

The history of human civilization is intertwined with complex crimes and their perpetrators. For centuries, the methods and motives of these crimes have been too far removed from the ordinary for law enforcement agencies to understand and prevent, in whatever form these services have been throughout history. Simply put, the methods and techniques of processing and investigating crimes have long been limited to elementary logic, which, in the absence of forensic techniques, could not be directly applied to a particular corpus of complicated crimes and achieve the desired results. And as in those periods when crimes were committed, there were no methods or investigators who could solve the crimes and arrest the perpetrators with the techniques available to them at the time, they often moved into the myth, remaining forever unsolved, while frightening and fascinating citizens. We don't have to go too far in history to find probably the most famous unsolved case of serial murder, the case of Jack the Ripper, who terrorized late Victorian London between 1888 and 1891. The killer was never found and the murders stopped on their own, but the fascination with that case has remained to this day and has produced numerous literary and dramatic works that deal with the subject of that case. In order to solve such complex cases, it was necessary to involve experts from other fields or train investigators with additional knowledge and techniques so that they could penetrate the motives and the profile of the perpetrator. From a modern point of view, it is difficult to understand how complicated crimes were solved without psychological forensics techniques, but it should be understood that both psychologists and psychiatrists have gone through a complicated path to recognizing the crucial importance of these sciences' methodology for criminal investigations. At the turn of the 19th and 20th centuries, people with mental disorders, including the mentally ill, were considered alienated from their true nature, without going into too much detail and the causes of these disorders and diseases. Experts dealing with the mentally ill were known as ‘alienists’, scientists who investigate the

alienation of individuals from their true nature. Only after the Second World War, in the mid-fifties of the twentieth century, we note the first known case of creating a psychological profile as a method of investigating and solving a crime.

George Metesky, known as the "mad bomber" planted more than 30 small bombs in New York between 1940 and 1956. He planted bombs in various places such as telephone booths, toilets in public buildings, libraries, public lockers and other public places throughout the city. Twenty-two bombs exploded, injuring fifteen people. The police did not have a solution, nor could they find the bomber using all the conventional means of investigation at the time. In the early 1950s, Metesky began to leave traces in letters published in New York newspapers. In 1956, investigators decided to step out of their standard procedure zone and sought help from psychiatrist James Brussel, New York State's assistant commissioner of mental hygiene. He was asked to study the crime scenes and to give his opinion on the profile of the perpetrator. The doctor gave them his detailed description: unmarried, stranger, self-taught, in his fifties, paranoid, with the aim of personal revenge, since the first bomb was planted in the Consolidated Edison power plant (where Metesky had previously suffered a serious injury at work). Although some observations were simply logical, some were grounded in science. For example, the fact that the person with paranoia peaks at the age of 35, which is sixteen years since the first bomb at that time, so the perpetrator could be in his fifties. And practically it turned out that the hiring of experts was correct, his profile led the police to Metesky, who was arrested in 1957 and immediately confessed to all his crimes (Winerman 2004). In the following decades, the American police began to use the help of psychologists and psychiatrists to create psychological profiles of criminals, especially in cases when it was impossible for them to trace them. At the same time, such procedures began to develop as a separate branch of criminology and investigative work, and special attention to the development of what we now call criminal profiling was shown by specialized agencies such as the FBI, CIA, and related departments. As a new technique, profiling has no clear boundaries, it is intertwined with police and legal procedures and psychology, and those who use it often use

different terms. What is important for this paper is that this new investigation method, which became a vital part of the work of investigative agencies, has also achieved its popularity in popular culture. Hundreds of novels, TV series, movies, and video games for their plot have cases of crimes investigated through criminal profiling. Some titles have created today's cult figures of popular culture, which will be discussed later in this paper.

Procedures used to investigate real crimes are now in the public eye as detectives in drama programs use and show, often step by step, how crime is investigated. "The basic premise is that behaviour reflects personality," explains retired FBI agent Gregg McCrary. In a homicide case, for example, FBI agents glean insight into personality through questions about the murderer's behaviour at four crime phases (Winerman, 2004):

- Antecedent: What fantasy or plan, or both, did the murderer have in place before the act? What triggered the murderer to act some days and not others?
- Method and manner: What type of victim or victims did the murderer select? What was the method and manner of murder: shooting, stabbing, strangulation, or something else?
- Body disposal: Did the murder and body disposal take place all at one scene or multiple scenes?
- Postoffense behaviour**:** Is the murderer trying to inject himself into the investigation by reacting to media reports or contacting investigators?

Such realism, when transferred to the screens, leads to additional popularity of the genre and characters that have always fascinated and attracted the attention and interest of people. From the beginning, in the form of Edgar Allan Poe's detective novels, such as Murders in the Rue Morgue, or the adventure of Sherlock Holmes by Arthur Conan Doyle, to contemporary narratives and modern investigators, the history of fictional investigators and their stories reflects progress in methods and techniques of criminal investigation and as such never becomes obsolete, nor does the human fascination with these characters and such narratives. In the continuation of this paper, the analysis of media content will provide an overview of modern investigators in serial and film programs, their common characteristics,

and the way in which they, imitating real life, educate about investigative activities and techniques and socio-psychological profiles of investigators.

Criminal investigators in popular culture

As we mentioned earlier, along with the development and use of criminal profiling in investigative procedures in the 2000s, this genre reached its peak in television programs. Dozens of seasons of investigative series have flooded programs, such as CSI, NCSI, numerous spin-offs, Bones, Criminal Minds, Numb3rs, mostly broadcast via cable operators, and the logical consequence was to saturate the audience with this type of program and format. "The term 'another CSI' has become a euphemism for a conservative, risk-averse storytelling approach taken by broadcast networks", claims Anita Lam (2014) and adds that every kind of innovation in crime dramas has been characterized "against the standards set by the CSI". Criminal Minds, the most popular of all programs, has often been criticized for portraying scenes of brutality and violence realistically, but more serious objections have come from the other side. "The show is bursting with clichés and is both unrealistic and improbable. Criminal profiling is pseudo-science with little empirical validity. In fact, most forensic psychologists would argue that profiling is more theoretical than scientific. Lack of realism aside, the show is very entertaining and, like the mystery genre, fans of the show love to watch the 'new-age' sleuths crack seemingly unsolvable crimes" (Dowler, 2016).

Saturation with procedural serial programs, raising the quality of television series production, but also popularizing streaming services such as Netflix, in 2010 brings several television achievements, which in time will set the standards for a new wave called "Quality TV". "The quality television viewer is appealed to by, and not in spite of, their status as a niche audience, and the cultural value accruing to their niche status has transformed investment in casting, scripting, acting directing, producing and critically evaluating television. Quality television has not only become a dominant television format but the benchmark against which 'mainstream' television is measured" (Fuller, 2013).

"Quality TV" was created in the early nineties, with the launch of the HBO platform. Some of the series related to this term are *Twin Peaks, The X-*

Files, The Wire, The Shield, The Sopranos, but also serial programs with the theme of profiling, like *True Detective, Mindhunter, The Sinner, Hannibal*, a whole group of Scandinavian-speaking series led by the series *Bron/Broen* (which, on the other hand, paved the way for a subgenre called Nordic Noir), only are some of the achievements that have redefined the notion of criminal and criminal profiling formats. In addition to changes in terms of production quality, approach to filming, screenplay, each segment, raising the quality of television series is characterized by the participation of actors of the Hollywood 'A' list, who created some of the most popular, most significant, but also the most complex characters in popular culture. In this paper, we will look at Rustin Cohle from the first season of *True Detective*, Holden Ford from *Mindhunter*, Will Graham from *Hannibal*, and Clarice Starling from *Silence of the Lambs*.

True Detective

True Detective is an American crime series of anthological format, where each season follows separate cases with separate protagonists and antagonists. The plot of the first season of the series is set in Louisiana, and in the space of seventeen years, it brings the story of two detectives who solve a case of ritual murders. For this work, the plot of the series itself is less important than the relationship between Rustin Cohle (played by Matthew McConaughey) and Martin Hart (Woody Harelson). Their relationship surpasses the relationship of a good and bad policeman, their main difference, but also the value of the narrative of this work is their passing on existential and philosophical issues, which abound in the series, while in the character of Rustin Cohle we recognize the philosophy of Emile Cioran, Nietzsche, and Sartre. Has the protagonist, a detective, always had his nihilistic view of the world or has police work and tragic life circumstances led him to do so, as well as are there common elements that investigators share in modern serial programs?

"Pessimism is the reason that Rust is a better detective than Marty. He is deceived by illusions of his own making. Rust may have had this problem once, but, having given up his optimism, he is never shocked by the depravity

that he encounters as the investigation unfolds. Optimism and pessimism do not exhaust the characters Rust and Marty: 'Hart and Cohle' sounds too much like 'heart and soul' to be a coincidence" (Dienstag, 2017). Cohle is an alone philosopher with an active mind who tries to grasp the meaning of life. Unconventional, curious and turned towards his own inner world of experience, he irritates Marty with his vivid and abstract thoughts. "The ontological fallacy of expecting a light at the end of the tunnel, well, that's what the preacher sells, same as a shrink. See, the preacher encourages your capacity for illusion. Then he tells you it's a virtue" (*True Detective*, season 1, episode 3).

Cohle opposes the whole movement of philosophers of individualism, claiming that we think we are someone, and in fact, we are nobody. He claims that man is a mistake on the evolutionary ladder. "I think human consciousness is a tragic misstep in evolution. We became too self-aware. Nature created an aspect of nature separate from itself. We are creatures that should not exist by natural law. We are things that labour under the illusion of having a self; an accretion of sensory experience and feeling, programmed with total assurance that we are each somebody, when in fact everybody is nobody. Maybe the honourable thing for our species to do is deny our programming, stop reproducing, walk hand in hand into extinction, one last midnight – brothers and sisters opting out of a raw deal" (*True Detective*, season 1, episode 1).

His character is so complex and versatile, at times brilliant, so in addition to philosophy, he uses knowledge of quantum physics quite well, explaining the existence of the fourth dimension, the ideas advocated by Stephen Hawking and Einstein. Deeply analyzing his character, the investigation of the crime leads to the resolution of the case, and the protagonist himself comes to the realization that meaning exists and chooses life as a value greater than any philosophy. This is where the original way of narrating this serial program comes to the fore - the parallel deconstruction of the character of the investigator and the unravelling of the crime. The unique intellect and knowledge that the investigator possesses makes him uniquely able to finally solve the long-standing mystery, without catharsis or change at the very

end, because of all the changes in his personality resulting from both the investigation of a specific crime and events in his private life psyche happened significantly before the case was finally resolved so that the satisfaction brought by the final solution of a case that has been an integral part of his life for so many years is accompanied by a certain peace that he is finally able to feel. Although Rustin Cohle's character is by no means typical, he, presented in such a way, and closely connected with the plot of solving the mystery, still contains certain common character traits that he shares with other brilliant investigators described in popular culture, whether completely fictional characters or about characters who are inspired by existing personalities.

Mindhunter

As already described, the greatest portraits of detectives, whether they really existed or were part of fiction (which in most cases was built on real-life characters), had at least a label of "unusual" characters, often on the verge of psychopathology. That is how the character of detective Holden Ford in the cult series of David Fincher *Mindhunter* was treated. Based on the true-crime book (Douglas & Olshaker, 1995), *Mindhunter* delves deep into the FBI's early efforts in the realm of criminal classification and profiling. The character of Holden Ford, played by Jonathan Groff, is based on the character of a real FBI agent and co-author of the book, John E. Douglas, and portrays early attempts at criminal profiling and criminal classification in the FBI. What makes this serial program even more interesting is the fact that the perpetrators of the crimes are real-life characters. In the beginning, Holden Ford worked as a negotiator in kidnapping cases, firmly adhering to the rules of the service, despite his beliefs and ideas. With the aid of Bill Tench of the Behavioral Science Unit, Holden is able to widen his horizons and garner a deeper understanding of deviant psychology, which is further enhanced via his conversations with Edmund Kemper (Dutta, 2021). Ford, his senior partner Tench and psychologist Dr Wendy Carr are starting a new direction in the unit, and Ford himself is using unconventional methods in the investigation, such as getting closer to the suspect through a series of intimate conversations. Ford's behaviour is beginning to show some signs of psychopathology, and

the question arises as to whether work in the service led to it, or whether Ford himself is simply that type of person.

According to Robert D. Hare's Psychopathy Checklist, some of the key traits that coincide with Holden's behaviour are a higher value complex, a certain charm that allows him to manipulate, a certain sense of coldness, and an expression of selective empathy. From the very beginning, Holden seems arrogant, which is especially reflected in the experience of his ideas on criminal psychology. His lack of conscience is questioned through his understanding of Emile Durkheim's theory on deviance (Thorlindsson & Bernburg, 2004), through whose prism we could make a critical analysis of his character. To remind, Durkheim claimed that violence is a normal phenomenon, even necessary, which has several important functions for society. Crime clarifies social norms and reinforces conformism so that when detecting and punishing deviance, people are reminded of what norms are and how much and how they can be punished if they violate them. "There is no phenomenon which represents more incontrovertibly all the symptoms of normality since it appears to be closely bound up with the conditions of all collective life" (Durkheim, 2014). Aggression is one of the strongest instincts for survival. Whether it will have positive or negative connotations depends only on setting the limits of tolerance of aggressive behaviour (Filipović, 2013). On the other hand, knowing that the real-life agent of the FBI according to whose book the series was filmed, and according to whom Holden Ford's character was conceived, was eventually diagnosed with PTSD, the question arises whether Holden Ford's problematic personality traits are actually a product of what psychology defines as vicarious trauma, meaning the result of empathic attitude towards victims of trauma, but also frequent conversations with serial killers and constant thinking and reliving their crimes. A certain emotional distance in such professional everyday life is necessary to preserve mental health, but no distance as a psychological mechanism resulting from conscious or unconscious intention is equal to the distance or absence of emotional relationship and empathy we can find in serial killers. As such, it cannot be sufficient protection against trauma as a consequence of the professional environment and tasks, which in the case of criminal investigators will be transferred to private life.

The very nature of that job does not allow that after the working hours are over, the investigator can turn off and reorient to obligations and relationships in private life. This kind of obsession, which is usually unwilling, often becomes a destructive factor for emotional relationships in private life, as well as the quality of private life in terms of generally accepted values and elements that what is considered a quality life contains. Holden Ford spent too much time staring at the abyss, and consequently, as the famous saying goes, the abyss also started staring at him.

Literary and screen universe of Thomas Harris

Some of the most striking characters of both investigators and criminals can be found in the work of American writer Thomas Harris. In his tetralogy whose central character is the antagonist and cannibalistic serial killer Hannibal Lecter, Harris has created two detective characters who represent a great representation of the modern crime investigator – Will Graham and Clarice Starling. Although all the books in Harris's tetralogy about Lecter have been screened in several films and TV series, for the purposes of this paper we will focus on the representation of Will Graham in the 2013 TV series *Hannibal* and Clarice Starling in 1991's *Silence of the Lambs.*

Will Graham is chronologically the first investigator to encounter a brilliant but deranged cannibalistic killer, psychiatrist Hannibal Lecter. Prior to the screenplay we will analyze, this character appeared in the films *Manhunter* and *Red Dragon*, played by William Petersen and Edward Norton, and both of these films are adaptations of the novel Red Dragon, the first in a tetralogy about Hannibal Lecter. However, chronologically the latest iteration of this story, described in the TV series *Hannibal*, brings the most detailed overview and insight into the psychological characteristics and investigative process and profile of this unusual investigator. The beginning of the series catches Will Graham, played by Hugh Dancy, as a lecturer at the FBI Academy, when Jack Crawford, head of the FBI's Behavioral Science Unit, involves him in an investigation into a number of missing young girls (Interestingly, the character of Jack Crawford was also modelled on John E. Douglas, like the character of Holden Ford in *Mindhunter*). Graham reluctantly joins in, and from his conversations

with colleagues, we learn important details of his psychological profile. Graham himself says that in the psychological spectrum he belongs closer to the part that belongs to Asperger's syndrome and autism than psychopathic, and when asked why he is not an agent, he answers that for the agent's job, the FBI conducts strict screening procedures that would detect his instability and prevent him from becomes an agent, so he does the job of profiler and special investigator. Will Graham is so interesting from the aspect of psychology and behavioural science that his boss is more interested in Will's psychological profile than the profile of the killers they are trying to discover. He thus introduces the story of Hannibal Lecter, a brilliant psychiatrist, and psychotherapist, after other colleagues refuse to write scientific papers on Graham himself. Fantastically gifted, Lecter immediately recognizes that the dominant trait of Graham's character is what he calls ‘pure empathy’, which is so strong that Will Graham can take the point of view of any other person, including perpetrators of the most serious crimes, by combining empathy and active imagination. It is, of course, too heavy a psychological burden, because the emotions immanent to each of these individual points of view and personalities are transmitted to Graham. He experiences all the emotions experienced by both the perpetrators and the victims, but in a compressed, instant form, they are etched in his psyche and he continues to carry them with him, which creates many complications in his life and leaves consequences on his mental and physical health. Combining a unique insight into the psyche of the killer provided by Will Graham and good forensic work, the FBI quickly discovers the killer, but all this is just an introduction to the dynamics of the whole program, and that is the relationship between Will Graham and Hannibal Lecter. Lecter is fascinated by Graham's kindness, intelligence, manners, and intellect, but as he possesses psychopathic traits, he manipulates Graham into a deeper relationship, culminating when Graham discovers that Lecter is the cannibal killer the FBI is trying to uncover behind the scenes. This program is illustrative in terms of emphasizing the role of empathy in solving serious crimes, and although the process is strongly rooted in logic and knowledge, Graham's ability to position himself emotionally within the psychological set of killers gives us another highly desirable trait

a good investigator should possess.

Clarice Starling is the protagonist of the novel and film *Silence of the Lambs*, and later the TV series *Clarice*, but for the purposes of this work we will focus on the film. At the beginning of the film, Clarice Starling, in the Oscar-winning interpretation of Jodie Foster, is an FBI Academy graduate and training agent sent by her boss, the aforementioned Jack Crawford, head of the FBI's Behavioral Science Unit, to interview the now-arrested Hannibal Lecter, located at a mental hospital in Baltimore. As Clarice Starling is young and attractive, on the way to Lecter, the warden of that institution sends her raw sexual remarks, which she rejects, thus creating an initial connection and respect with Lecter. From her reaction to this attempt at rude flirtation, Lecter forms Agent Starling's initial profile from which a further relationship of respect and cooperation develops. By the way, the reason why Clarice Starling talks to Hannibal Lecter at all is that the FBI needs his help and insight into the psychology of serial killers because they are looking for a serial killer nicknamed Buffalo Bill. Lecter, impressed by Clarice Starling's intelligence but also her purity, agrees to help her, but in exchange for personal information about herself, which she agrees to despite Jack Crawford's warnings not to do so. Their relationship begins to develop, and Lecter gives her cryptic clues and information on the basis of which she has to decipher and come to conclusions. Such a relationship between Clarice and Hannibal develops mutual respect, and when Lecter manages to escape from prison, Clarice does not worry about her safety because she has already met Lecter enough to know that he is not a threat to her. Clarice Starling, by further analysis of the clues given to her by Lecter, concludes where she can start looking for Buffalo Bill, which triggers a series that results in his liquidation and resolution of the case and secures her a place as an FBI agent. Her top education, two degrees from the University of Virginia, in psychology and criminology, which provided her with initial contact with Jack Crawford, give her the tools she needs to work as a complex crime investigator, but other character traits, such as a penchant for thought, took on a specific upbringing, focus, deduction, but also nice manners and culture of behaviour were exactly what resonated with Lecter's value system,

which, if we exclude psychopathic tendencies, is completely in place. Her relationship with Lecter has had a defining impact on her career, although that relationship is completely atypical and inadvisable even for her bosses who generally have no problem pushing agents into the fire. Of course, because of this unusualness, Agent Starling does not meet with general approval from colleagues who cannot understand how a relationship of respect can be developed with a terrifying killer without making ethical compromises, but this film, and before it the novel, teaches us that it is not only possible but also useful. Of course, it was necessary to have a specific set of characteristics that Clarice Starling has, which also concern her private and not only professional personality, in order for such a relationship to be possible first, and then functional and useful. And in other programs, like *Mindhunter*, we have plot elements that include interviews with arrested serial killers. But the specific trait of personal relationship that Clarice Starling and Hannibal Lecter managed to form is decisive both for the characterization and classification of Clarice Starling as an investigator and in terms of resolving the main plot, the case of serial killer Buffalo Bill, which would not have been eliminated if Clarice Starling had not possessed the psychological traits that determined another serial killer, Hannibal Lecter, to help her in a very specific way.

Discussion

In modern TV series, the main protagonists almost always have the same personality trait, similar to the ones described above by Cohle, Ford, Graham, and Starling, which is perhaps best described by Marshall McLuhan, who said that detectives have the rule to have 'insecurity and confusion' driven by change, and events in society. "He identified such quality in Edgar Allan Poe's C. Auguste Dupin, whose appearance in *The Murders in the Rue Morgue* is generally recognized as the inception of detective fiction. Here the science of 'detached observation' shields the detective against the vicissitudes of technologically-induced upheaval, invulnerability made possible by access to total knowledge, which in turn permits access to an analytical power that 'provides the means of escape'" (Coley, 2017).

The process that the main protagonists go through together with the main plot and plot, almost as a rule, brings personal stories, plots, unfoldings, dilemmas, and confrontations of the main characters. It often happens, especially in the case of mini-series, that the story of the main investigator cathartically ends with the main culmination. The common denominator can also be real-world insecurity due to family dramas and losses, failed relationships, domestic violence, PTSD, or provocation by world-changing events. Highly intelligent, gifted for their work, with the knowledge that goes beyond general cultural education, finding solace in work, and total dedication to cases are also some of the main similarities of modern detectives. The similarity is that they are victims of their work, whether they end up with physical consequences, or with consequences that haunt them. However, for viewers who expect something more from high-budget TV series, except for careful viewers of wider education, these formats can be educational reminders of sociological, psychological, and other topics and elaborations, not only evidence presentation and forensics.

The following table shows some striking characters of criminal investigators from film and serial programs with an emphasis on their education and psychological characteristics. The table also includes some characters whose analysis is not covered in detail in this paper, but are universally considered excellent depictions of criminal investigators, especially if we keep in mind that the script, narrative, and interpretation of these characters in programs whose protagonists give a detailed and clear picture of their personalities, as well as the methods they use in their work.

For several characters in the programs themselves, their formal education is not explicitly stated, but by deduction, it can be implicitly concluded that they have completed the appropriate faculties, because, for example, the condition for performing the job of an FBI special agent is to have a diploma for the appropriate four-year university education. In the case of Holden Ford in the *Mindhunter* series, the data in the table are data on John E. Douglas, the actual FBI agent on whom Holden Ford's character is based. In the case of Rustin Cohle, who is a detective in the Louisiana State Police, the minimum required education is a B.Sc. degree in the relevant scientific

field, and we can conclude that Rustin Cohle is at least a B.Sc. So, when we consider these remarks for the data listed in the table, we can conclude that a university education and diploma in the relevant field is what is common to all analyzed investigators. In addition, a clearly visible thing is the vast knowledge that each of them possesses, which is an upgrade to the formal education they acquired at the university, through continuous improvement through case studies in practice. Also, what all these investigators have in common are strong psychological and criminological skills. Different characters have different specialities and methods, but excellent knowledge of psychology and criminology is the basis on which the quality of their work rests, and ultimately the ability to solve extremely complicated cases. What is common to all the analyzed characters and all other leading investigators from small and large screens, and as they reflect real life and real investigators, to them, too, is exceptionally pronounced intelligence. Education and the acquisition and development of certain psychological, criminological, criminalistic, sociological and other skills are the basis and framework in which investigators use their intellect to analyze information and clues that are usually very scarce in cases of serious and complicated crimes. The entire intellectual apparatus of these individuals must be used to create new clues and information based on scarce clues, obscure motives, and numerous unknowns, which form working theories about the motives or identity of the perpetrator, or any other element that may narrow the investigation, to direct or open it. Many of them also have certain psychological problems, the intensity of which varies, and which are either congenital or a consequence of doing work. The job of a criminal investigator is psychologically extremely demanding because it requires complete commitment, which borders on obsession with a certain number of these professionals. Commitment and focus on discovering the perpetrators of heinous crimes make the consciousness of investigators spend too much time in dark places, which can result in psychological and sociological problems. Asociality is especially reflected through inadequate and long-lasting specific patterns of one's own experience, feelings, opinions, behaviours, and relationships with others, which are manifested and observed in everyday life situations, while flagrantly deviating from expectations in appropriate cultures (Bjelajac

& Filipović, 2021). Also, as the minds of the killers are not the only dark and emotionally demanding place where investigators spend time, but also have direct contact with the victims, they are consequently transmitted the trauma experienced by those who have been victimized. Bearing in mind that the job of a criminal investigator is continuous, that is, it does not end with solving one case, then stress and trauma, direct or vicarious, only accumulate, bringing additional problems to those whose job it is to solve crimes. The nature of this work is heroic, as evidenced by the number of works in a popular culture dedicated to criminal investigators, but the burden of doing this work is huge, and the ultimate price they have to pay to be successful in this business often jeopardizes their private and social lives. The danger to which they are exposed, including the psychological dangers described above and the physical danger that is always involved in the investigation of serious crimes, often leads to the fact that investigators are essentially lonely, their deepest emotional connection is with their work, which is reflected in the generally accepted values of quality private life, as well as life in general.

Conclusion

The techniques of criminal investigation have advanced immeasurably in relation to what they were at the time of the beginnings of detective novels in the middle of the 19th century. Giant steps forward in the field of criminal forensics have made it possible for most crimes to be resolved quickly and unambiguously. The introduction of other sciences into criminology and criminology, such as psychology, sociology, and other applicable sciences has brought a new dimension to the approach and analysis of crimes, as well as possible perpetrators. However, with all the progress and new techniques and technologies, as well as practically comprehensive surveillance of CCTV systems, there are a large number of crimes that remain unsolved. We do not necessarily mean the total number and range of crimes, but complex and serious crimes whose perpetrators were never caught, such as Zodiac Killer or Black Dahlia Killer, or were caught decades after committing crimes such as Metesky or Theodore Kaczynski aka UNABOMBER, who was arrested 18 years after the first terrorist act. Andrei Chikatilo, a Soviet serial killer who

killed at least 52 women and children, was arrested after 12 years, he was arrested in 1984 but was released and continued to kill despite a police investigation. This all speaks to the level of difficulty of the work of a criminal investigator and the many aspects and angles of observation required by individual cases and represents a useful analogy to fictitious crimes and investigators. In that sense, the characteristics and qualities that modern investigators must possess, which we have identified by analyzing the media content in this paper, correspond to the challenges and requirements that this job brings in reality. To all that we have stated so far, it should be added that the job of a criminal investigator, be it a detective, agent, profiler, or, more broadly, any employee of law enforcement services, requires an extremely high and strong moral code because it gives quality and additional integrity to both investigators and investigators, instils confidence in citizens that law enforcement services protect and serve, and creates a crucial difference from those they fight against.

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Table 1

Occupation, Education, and Psychological Character Traits of Crime Investigator Characters in Film and Serial Programs

Character name	TV Series / film	Occupation and service	Education	Psychological traits
Rustin Cohle	True Detective	Detective/Louisiana State Police	Not stated	Strong intellect, attention to detail, analytical and deductive skills, pessimism, world-weariness
Holden Ford	Mindhunter	Special agent/FBI	Sociology, education psychology, adult education degree	Strong intellect, curiosity, idealism, focus, ability to look at problems from unusual angles, emotional detachment
Will Graham	Hannibal	Profiler/FBI	Forensic science degree	Strong intellect, psychology and criminology skills, extreme empathy, eidetic memory
Clarice Starling	Silence of the Lambs	Trainee, then Agent/FBI	Psychology and criminology degree	Strong intellect, psychology and criminology skills, pensiveness, focus
Fox Mulder	The X-Files	Special agent/FBI	Psychology degree	Strong intellect, broad knowledge of often obscure topics, enthusiasm, obsession with work, eccentricity

Character name	TV Series / film	Occupation and service	Education	Psychological traits
Dale Cooper	Twin Peaks	Special agent/FBI	Liberal arts degree	Strong intellect, intuition, quirkiness, creativity, introspection
Frank Black	Millennium	Profiler, Special Agent/FBI, Consultant/Millennium Group	Not stated	Strong intellect, active imagination, focus, self-reliance, world-weariness, patience

Note. From the author's research.

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Profil savremenog kriminalističkog istražitelja u filmskim i televizijskim sadržajima

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Sažetak

Ljudi su bili fascinirani detektivskim romanima i komplikovanim istragama od same pojave detektivskog romana kao literarne forme polovinom XIX veka. Rodonačelnici i rani popularizatori ovog žanra kao što su Edgar Alan Po i Artur Konan Dojl su pripremili teren za kasnije autore ovog popularnog žanra. U međuvremenu od početaka do današnjih dana same tehnike i metode kriminalističkih istraživanja su nemerljivo unapređene, a kriminalistička i detektivska fikcija pratila je inovacije, tako da je uvek ostajala aktuelna i reprezentativna u odnosu na tehnike i medote istraga u stvarnom životu. Značajni razvoj TV serije kao medija i ogromno povećanje kvaliteta snimljenog programa kroz značajno ozbiljniji pristup i uključivanje profesionalaca iz filmske industrije, negde od početka XXI veka, dovelo je do promene u pristupu kreiranja proceduralnih i kriminalističkih TV serija. Umesto dotadašnjih izuzetno popularnih ali nerealističnih i pseudo-naučnih proceduralnih programa i detektiva čija karakterizacija nije odgovarala realnosti, nastao je novi talas kriminalističkih serija koje su značajno utemeljenije u realnosti i verno prikazuju kako metode i modalitete istražnih radnji, tako i ličnosti kriminalističkih istražitelja. Cilj našeg rada je da metodama analize medijskog sadržaja, analize narativa, analize karakterizacije i drugim odgovarajućim analitičkim

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metodama identifikujemo zajedničke profesionalne i psihološke osobine predmetnih istražitelja, i da sintezom dobijenih zaključaka predložimo profil savremenog kriminalističkog istražitelja koji, što je veoma važno, istovremeno korespondira sa istražiteljima u stvarnom životu.

Ključne reči: kriminalistički istražitelji, ubice, filmovi i TV serije, karakterizacija, profilisanje

Creating Culture of Peace: Non-Violent Conflict Resolution

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Abstract

The history of mankind has been marked by the use of force, which has led many thinkers to seek answers to questions: what are conflict and violence, what is their nature, are they generated externally, by what forces, or are they a product of human aspirations to selfishly satisfy their needs. The answer to these questions is only the beginning of the search because it opens new, undoubtedly equally important questions – whether conflict and violence can be positive values and, in particular, whether conflicts can be resolved or transformed before they generate violence, and if so, what are the processes, mechanisms and strategies. Seeking answers to all these questions requires complex multidisciplinary and interdisciplinary research and integrating and harmonising their results into a coherent whole. Having this in mind as a limiting, but at the same time motivating research factor, the authors of this paper aim to determine with sequential analysis the way of resolving the conflict by non-violent means through the stages of its development.

Keywords: social conflicts, phases of conflicts, latent conflict, post-conflict peacebuilding, violence, causes of conflicts

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Creating Culture of Peace: Non-Violent Conflict Resolution

In many contemporary considerations, there are common claims that more attention was paid to the theoretical pondering of conflicts only after the Second World War. Nominally, they are not incorrect, which is proven by the simple fact that with the increase in population and faster scientific and technological development, the number of a highly educated population and, with them, the number of scientific researchers is growing. The development of information technologies has eased access to sources relevant to specific research, which has also influenced the increase in the number of scientific papers on various research problems. Among the consequences of scientific development is also the creation, or separation, of new scientific disciplines, especially in the field of social sciences and humanities. Traces of psychology, as a science that studies the human mind, behaviour and thoughts, can be found even in the philosophical writings of ancient civilizations, confirming the view that people have always needed to study and interpret their behaviour and experiences, as well as to study other people's actions and their interpretation of them. Interest outside scientific circles has been growing steadily in recent decades thanks to the development of psychological concepts and theories of human health and behaviour, which are referred to as popular psychology. In the conditions of increasingly complex interpersonal relations, the study of interpersonal conflicts and, especially, ways to overcome them, have been the focus of interest of both the scientific and lay public.

On the other hand, scientific interest in social conflicts, which are always at the level of collectivity (social, cultural, political, economic, ethnic, religious, etc.) was also present in the early periods of scientific thought, primarily through the fields of philosophy, history and politics. The use of force in the interrelations of collectivity throughout human history has inspired many thinkers to seek answers to the question of what is at the root of conflict and violence, whether they are generated externally, by what forces, or if they are a product of selfish human pursuits, which in suitable ways they present as joint, i.e., collective. The horrors of the two

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world wars and the Cold War threats of a third, potentially fatal, world war have heightened scientific interest in seeking answers to the questions of whether conflict and violence can be positive values and, in particular, whether conflicts can be resolved or transformed before they generate violence, and if yes, what are the processes, mechanisms and strategies. Such scientific interests have been articulated mostly through various forms of studying war and peace, expressed in a very diverse terminology – conflictology, paxology, polemology, irinology, but also through broader concepts such as: "philosophy of peace, peace policy, peace pedagogy, psychology of peace, theology of peace..., etc." (Sakan, 2010, p. 29).

In this paper, we aim to determine with sequential analysis the way of resolving the conflict by non-violent means through the stages of its development. By the set goal, the first part of the paper points out the importance of understanding the nature and causes of social conflicts, and the second part presents possible solutions to conflicts non-violently through the phases of their development.

Understanding the Nature and Causes of Conflict at the Collectivity Level

Having in mind the number and diversity of definitions, social conflict is one of those concepts that can have a universal lay form close to the simplest scientific terminological framework. A lay definition that would meet the requirements of universality could read – conflict is a relationship of initially opposing positions. Indeed, this definition is close to different concepts of defining, according to the scientific disciplines they belong to. However, the diversity of approaches to understanding conflicts is necessary, at least for the most transparent display of the complexity of their analysis and understanding. This was especially characteristic of scientific research from the middle of the 20th century when the interest of the scientific community in studying this social phenomenon increased sharply. Psychology adhered to the theory of decision-making and cognition, sociology started from the group and organizational structure, political science from the role and influence of power, and the science of international relations built its approach based on the concept of the state (Gutierrez, 2015, p. 1). Regardless of the starting point, there is

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always a situation in which at least two parties are in opposite positions in terms of tendencies, where each of the conflicting parties sees the other side as a threat or obstacle to achieving its goal. Therefore, mutual communication and behaviour of conflict actors grow into strategies, intending to fight to impose their views as correct, through a kind of competition, negotiations or ultimatums, with a tendency to escalate to where at least one side will suffer damage (Table 1).

The way of interpreting and conceptualizing conflict can influence the political and other decisions of relevant social subjects, especially the actors themselves, thus leading to "effective repressive, pseudo-regulatory or regulatory actions" (Rodriguez, 2006, p. 1). The existence of a large number of different concepts, with the inevitable coinciding of many aspects, hides the danger that the objective and subjective conditions that cause conflict could be identified as the conflict itself or, worse, conflict could be perceived as a reason for attitudes and behaviours instead of being considered as a result of differences among them.

On the one hand, subjective causes of conflicts are the attitudes and behaviours of decision-makers, while on the other are those represented by them and/or those who oppose them. Those who make demands are on one side, and the other are those who are expected to meet those demands and who are presumed to be responsible for the problems. Conflicts that tend to escalate into violence are characterized by extreme polarization of attitudes and the ultimate imposition of solutions, i.e. expressing feelings of hostility and aggression, while maximizing one's interests and diminishing opposing ones. At the same time, memories and the attitudes and behaviours derived from them can be a product of the manipulative behaviour of the other party. Therefore, they cannot be analysed without ignoring objective circumstances because practically “beneath deep hostilities and antagonism lie power imbalances and economic disparities that generate grievances” [Jeong, 2008, p. 43).

The objective causes of conflict are all those circumstances that exist independently of the current will of the actors themselves, which does not mean that their previous behaviour did not affect the emergence of such

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circumstances. The prehistory of the conflict itself, that is, the historical facts that have a cause-and-effect relationship with it, is the objective cause of the widest scope. Competition and antagonistic interests with consequent rivalries and tensions are the focus of that range. They develop from social divisions, which always have two poles – social power on one side, and the status of dependence and subordination on the other. The forces of attraction of the pole of social power are stronger, so its conquest opens the way to achieve the desired goals. Therefore, in the motivational background of social conflicts, the primary goal is practically always the acquisition or exercise of power over the opponent, i.e. the establishment or conquest of central power (eGyanKosh, 2017b, p. 36).

The nature of social conflicts is determined by the context in which it arises, so it is a type of manifestation of its essential causes. Today, the most common causes of social conflicts of large collectives are recognized as political, religious-ideological, geostrategic, territorial-border, and conflicts for energy and ore exploitation (Jeftić et al., 2018, p. 24). Having in mind the complexity of social relations in modern conditions, different classifications are possible, by the very wide range of possible sources of conflict. Rivers of different aspects flow from each of these sources, resulting in different types of conflict, which Lyamouri-Bajja et al. (2012, p. 57) present in a very picturesque graphic representation (Figure 1).

Due to the complexity and number of factors influencing the emergence of social conflicts, to understand and find an effective solution to overcome them, it is necessary to have an accurate insight into the arguments of all conflicting parties, taking into account their positions in social relations. On that occasion, it is important to distinguish causes from triggers, because triggers can obscure the nature of a conflict situation and the real goals of conflicting parties. Triggers are additional factors in the occurrence of consequences, quick events that manifest themselves as immediate incentives for deciding on entering into an open confrontation. Citing triggers as reasons for escalating confrontation aims to divert attention from the real causes. The party responsible for escalating the conflict wants to build an alibi for its actions and shift responsibility to the other side. Other parties in

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the conflict make this substitution of theses mostly due to specific political goals. An event that is taken as a classic example of distinguishing causes from triggers is the beginning of World War I. Although the immediate start of the war was preceded by a sharp block division and conflict between the colonial interests of the Central Powers and the Entente (Blakemore, 2019). Austria-Hungary, which started World War I with aggression against Serbia, justified it by invoking the assassination of Austrian Archduke Franz Ferdinand by Gavrilo Princip on June 28, 1914, in Sarajevo. Austria-Hungary blamed the Serbian government for this assassination, although the Prime Minister of Serbia, Nikola Pašić, had previously warned Austria-Hungary that it had information about a possible assassination attempt. Almost a month later, Austria-Hungary gave Serbia an ultimatum consisting of 10 points, with a short deadline for response – 48 hours. Serbia responded positively to 9 points, but the Austro-Hungarian request for their investigation team to come to Belgrade was met with Serbia responding that that cannot be accepted since it would be in contradiction with its constitution and criminal procedure. Serbia did, however, state that in some cases results of the investigation could be communicated to the Austro-Hungarian officials. Austria-Hungary considered this answer as a rejection of the ultimatum, so on July 28, 2014, it declared war on Serbia. Although Great Britain was an opponent of Austria-Hungary in World War I and an ally of Serbia, today this country presents the trigger for the beginning of World War I (Sarajevo assassination) as the cause, while the real cause was the desire of the Central Powers for a "fairer" colonial division. (Royde-Smith, 2022).

Understanding the real reasons is achieved by analytically observing all circumstances preceding the confrontation, without restrictions in terms of the retrospective of the past. Unlike personal conflicts, which can suddenly arise and immediately escalate into the most difficult form of manifestation, social conflicts, and especially their escalation into violence, always have prehistory. Therefore, every collective conflict, like most interpersonal ones, can be broken down into phases.

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The way to non-violent conflict resolution

The very word conflict is coloured with a negative meaning, but in practice, the existence of conflict does not always mean a negative sequence of events and consequences. The existence of different attitudes, even seemingly irreconcilable ones, can be a driving force for quality change (Marković, 2021, p. 3). Everyday life is filled with potential for conflict because different values, needs and interests are developing among people, especially at the level of wider social communities. According to whether these differences between people are at rest or move with a tendency to grow into turbulences, we can conditionally break down each social conflict into stages, so as to better understand the circumstances that contribute to the conflict, but also potential non-violent measures and activities that can be taken in a timely manner and thus avoid resolving violence through violence. Observing the time scale of the conflict, we notice three main stages (pre-conflict, conflicting stage and post-conflict stage), which take place in chronological order in several phases.

In the pre-conflict stage, two phases stand out: Latent Conflict and Conflict Emergence. Latent conflict or the so-called phase of "unstable peace" is always present, because although serious differences between people and human communities exist, they are at rest during that period. When individual interests are not diametrically opposed, chances are great that peaceful solutions will be found for their harmonization. The development of common ideas leads to the non-violent overcoming of differences of opinion and, in the worst-case scenario, the long-term status quo is maintained. When tensions grow due to discordance of values, needs and interests, we speak of the phase of Conflict Emergence because the circumstances indicate the insufficient readiness of the opposing parties to find compromise solutions with mutual goodwill and joint efforts. In such circumstances, the need for mediation to find nonviolent solutions to the looming conflict becomes apparent. The mediating party is expected to know in detail the situation from the Latent Conflict phase to understand the motives and arguments of all opposing parties. Only with such an understanding and impartial approach to disputable differences, the mediator can propose objectively

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acceptable solutions for all actors. This, of course, does not guarantee that all actors will agree to the proposed compromise, which is why, especially in international relations, it is important to find someone who has the authority of legal force for the role of a mediator. This presumed force must be lawful and not imposed during mediation so it could have a non-violent character. If all efforts are exhausted, i.e. if the conditions for the outbreak of the conflict exceed the possibilities of peace efforts, in the pre-conflict phase it is still possible to seek compromising solutions that will stop the process of developing the conflict in the direction of violence. The very fact that conflict is in a phase characterized by milder forms of manifestation leaves room for "a cooperative conflict resolution process consisting of four general phases: (1) diagnosing the conflict, (2) identifying alternative solutions, (3) evaluating and choosing a mutually acceptable solution, and (4) committing to the decision and implementing it" (Weitzman & Weitzman, 2014, p. 268). Implementing the process of diagnosing problems and finding solutions is necessary for all other stages of the conflict if they occur, but the conditions for its implementation then become more difficult, not only because of objective circumstances that are extremely changing but also because of the aggravation of attitudes.

The conflicting stage has four phases: Conflict Escalation, (Hurting) Stalemate, De-escalation/Negotiation, and Dispute Settlement. In each of these phases, a non-violent approach to conflict resolution is possible. However, in that case, we can no longer talk about pure non-violent conflict resolution, but we can certainly talk about building a culture of peace through non-violent measures and activities. The Conflict Escalation represents an intense aggravation of the irreconcilability of attitudes and interests of the opposing parties. Entering this initial phase of the conflicting stage speaks of the absence or failure of attempts to resolve disagreements by non-violent means during the pre-conflict stage, especially its first phase, the Latent Conflict. This may be due to the untimely identification of the problem, misdiagnosis and identification of the conflict at its early stage, but also the refusal of the opposing parties to make compromises to avoid escalation of the conflict. During the escalation, there is often a stalemate, because neither side in the conflict wants to give in

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and make a compromise that would lead to ending the conflict, and the side that imposes itself as a force does not have the capacity to win and then impose its interests by force. Under such circumstances, it is possible to intensify attempts to resolve the conflict by stopping the violence and starting negotiations, for which it is previously necessary to physically separate the conflicting parties. The success of such attempts leads to de-escalation and negotiations, which can significantly contribute to calming tensions and strengthening the will to move from a state of conflict to a phase of restoring peace. The final phase of the conflicting stage, the Dispute Settlement, is in fact the initial phase of restoring peace and turning the actors of the conflict toward non-violent solutions. However, their positions are no longer the same, because, during the escalation of the conflict, there are changes that put some actors in a more favourable negotiating position. In this way, non-violent conflict resolution, which inevitably comes into play at this stage of the conflict, is a kind of absurdity, because it develops on the basis built by violence. In this phase of the conflict, any non-violent solution is better than a violent one, especially bearing in mind that from that phase emerges the last stage of the conflict – post-conflict peacebuilding (PCPB). Non-violent conflict resolution at this stage is more difficult than in the previous ones, because the actors got a different identity during the conflicting stage (Bjalski, 2017, p. 63), and the very onset of the post-conflict stage can be marked by the dissatisfaction of some conflict actors due to a defeating outcome. The more the conflict escalated into violence, the more severe are the consequences, so the chances for all parties' cooperation in building peace are lower. As long as there is dissatisfaction and resistance to reconciliation, we can talk about partial post-conflict. Complete post-conflict is achieved either by subduing one side or by signing a peace agreement. This should be distinguished from the syntagma complete peace with the meaning of complete harmony of relationships, without the slightest conflict (Bjelajac, 2021, p. 14). Complete peace can be achieved if the peacebuilding strategy is adapted to the specific needs of the conflict actors. The first steps of post-conflict peacebuilding can be crucial because immediately after the end of the conflicting stage, positive expectations of the conflict actors and their readiness for change are usually

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at a high level. If the benefits of peace were not fully felt in the early stages of the post-conflict stage of the conflict, people could return to the conflict due to disappointment. However, where the conflict has lasted longer, with more severe forms of force and, consequently, more severe consequences, post-conflict peacebuilding is a long-term process. The experience of the United Nations shows that the first two years after stopping a conflict are crucial, but that peacebuilding cannot be limited to that early period, because it "involves a great number and variety of stakeholders" and "it is neither a purely political, security nor developmental process, but one that must bring together security, political, economic, social and human rights elements in a coherent and integrated way" (United Nations, 2010, p. 1).

Conclusion

Given that the nature of most social situations is such that there are different interests of its actors, it is clear how pervasive conflicts are. On the other hand, experience tells us that social conflicts do not always produce harmful consequences per se. They can indicate weaknesses in the functioning of a social community or a social process, and in such cases, they must be understood as opportunities to understand different realities and solve complex problems. The existence of different attitudes, even seemingly irreconcilable ones, can be a driving force for quality change. The basic precondition for such an outcome of the conflict is unity, or at the very least harmonization of the interests of the opposing parties.

In theory, there are different approaches to breaking down conflict into stages, but practically each of them starts from the pre-conflict stage in which opposition to a certain state or potential incompatibility is developed. On the time scale of conflict, it is the period in which conditions with the potential for conflict outbreak appear. The existence of such conditions does not necessarily imply an outbreak of a conflict, but the existence of at least one of them is necessary for a conflict to actually occur. That is why this stage is ideal for developing a culture of peace, so as to prevent conflicts of interest. This requires a thorough analysis of the overall environment to be able to identify differences in interests and positions, communication disorders, as

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well as unfounded fears from which resistance to change is born. Such an analysis will enable accurate diagnosis and identification of the problem, and thus facilitate the choice of the right strategy for conflict prevention in its latent phase, i.e., for non-violent conflict resolution after it escalates. In practice, it often happens that the initial disagreement develops into an open conflict and escalates into the use of force, significantly reducing the chances of non-violent conflict resolution. Therefore, the focus of the implementation of non-violent solutions is the pre-conflict and post-conflict stages. The first, with the aim of prevention, as well as precluding escalation of conflict into violent forms, and the second with the task of preventing recurrence of conflict.

The key question for resolving conflict in a non-violent way is: do all opposing parties sincerely seek a peaceful solution? When there is goodwill and no hidden interests and intentions, the opposing actors will reach a compromise and thus avoid conflict. For a non-violent solution to the conflict to have a chance of success, a relationship based on equality must be established between all actors in the conflict, and in such a relationship the basic causes that led to the conflict must be resolved. Using dialogue, these causes must be viewed through the prism of existing circumstances so a solution for their modification with the consent of all actors could be found. The dialogue must first take place on the inner plan, re-examining one's own values, attitudes and justifications for imposing one's interests, and then externally, by communicating and understanding the other side. However, in real life, in a world of very complicated relationships and increasing tendencies for domination, things are not so simple, and there should be a third party (one or more subjects) with strong arguments for the peaceful overcoming of mutual differences. The role of third parties, the so-called mediators, is either the removal of conditions that may favour the emergence of conflict or raising awareness of the parties to the conflict and leading to compromise. It is quite clear that engaging a mediator cannot yield positive results if the mediator does not have stronger authority than the parties on the edge of conflict. Chances for a long-term solution to a conflict are higher if the mediation is based on trust because that way there is no room for doubt of any opposing party that a peaceful solution is imposed and harmful. Building trust in the good

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intentions of the mediating party and a sincere commitment of the other party to making a compromise is not possible if the mediating party shows signs of bias or misunderstanding of the positions and arguments of all parties to a conflict. For a non-violent resolution of conflict through mediators to be long-lasting, the role of the mediator must not go beyond the scenario in which they help the conflicting parties to objectively see the causes and consequences of the conflict, they help them formulate an agreement but do not participate in the decision-making.

Finally, non-violent conflict resolution has its full effect not only by simply ending a conflict but by reconciling the conflicting parties, because only reconciliation can provide at least minimal guarantees for further non-conflicting coexistence. This is all the more reason why the greatest importance should be given to creating a culture of peace in the Latent Conflict phase, as a continuous and ongoing process of developing a policy of rapprochement and reconciliation with the aim of building trust and avoiding escalation of conflict. Reintegration and rebuilding trust to prevent new escalations of conflict is a far more difficult and time-consuming process.

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Table 1

Definitions of Conflict – Different Concepts in the 20th Century Second Half

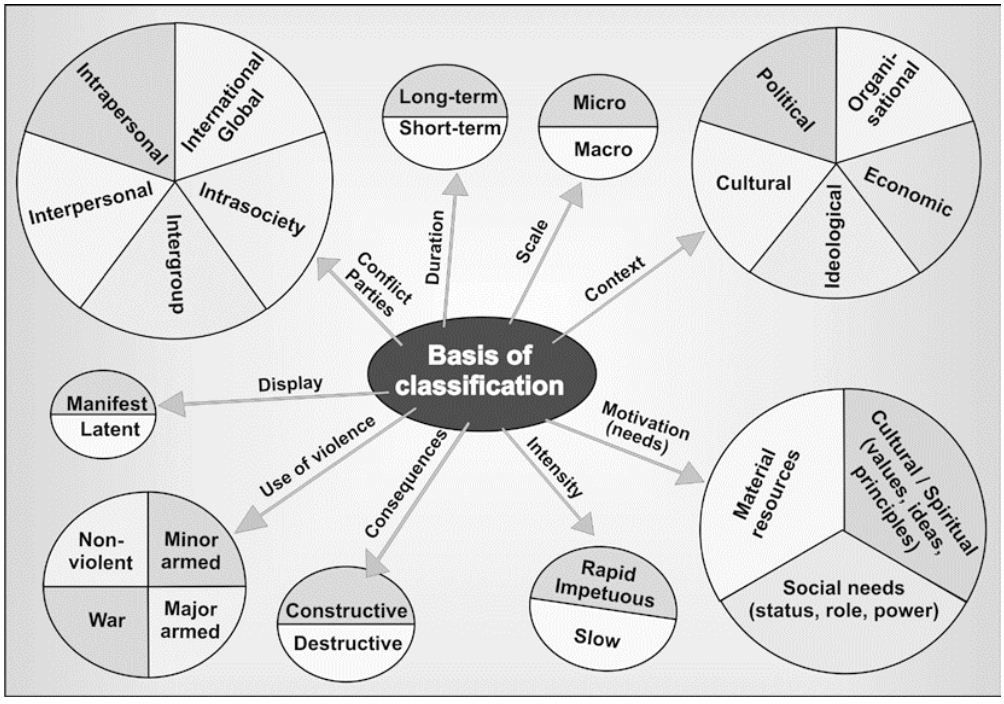
Definition	Key Terms	Author(s)
Conflict(s)…		
"… is a struggle between opponents over values and claims to scarce status, power, and resources."	struggle opposition scarcity	Coser (1956)
"… are bargaining situations in which the ability of one participant to achieve his ends is dependent on the choices or decisions that the other participant makes."	strategy bargaining dependance	Schelling (1960)
"… is a dynamic process in which structure, attitudes and behaviours are constantly changing and influencing one another."	structure attituteds behaviours	Galtung (1969)
"… takes place whenever incompatible activities occur. One party is interfering, disrupting, obstructing, or in some other way making another party's actions less effective."	incompatibility interference effectiveness	Deutsch (1973)
"… is a process in which two or more parties attempt to frustrate the attainment of the other's goals. The factors underlying conflict are threefold: interdependence, differences in goals, and differences in perceptions."	goals interdependence perceptions	Wall (1985)
"… is a perceived divergence of interest, or a belief that the parties' current aspirations cannot be achieved simultaneously."	interests aspirations beliefs	Pruitt & Rubin (1986)
"… are communicative interactions amongst people who are interdependent and who perceive that their interests are incompatible, inconsistent or in tension."	communication interdependence tension	Conrad (1991)
"… – understood as incompatible activities – occurs within co-operative as well as competitive contexts. Conflict parties can hold cooperative or competitive goals."	incompatibility co-operation competition	Tjosvold & Van de Vliert (1994)
"… is the interaction of interdependent people who perceive incompatible goals and interference from each other in achieving those goals."	interaction interdependence incompatibility	Folger, Poole, & Stutman (1993)

Definition	Key Terms	Author(s)
Conflict(s)…		
"… is an interaction between actors (individuals, groups, organisations, etc.) where at least one actor senses incompatibilities between their thinking, imagination, perception, and/or feeling, and those of the others."	interaction incompatibility impairment	Glasl (1994)

Note. Lyamouri–Bajja et al. (2012, p. 55).

Figure 1

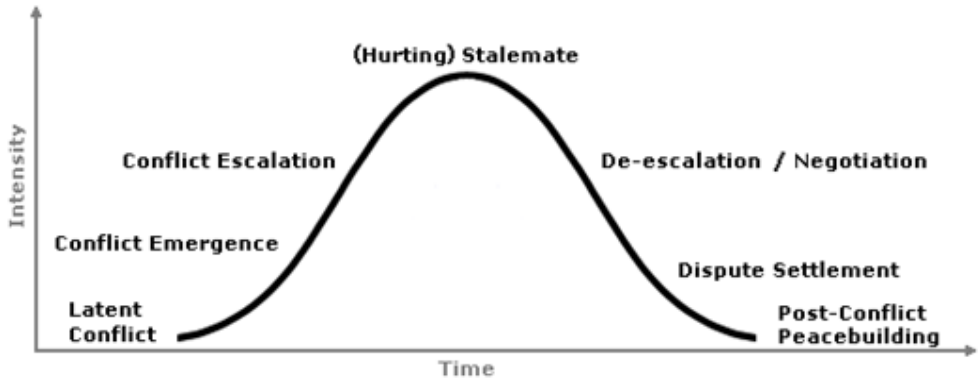
Types of Conflicts



Note. Lyamouri–Bajja et al. (2012, p. 57).

Figure 2

Phases of a Conflict



Note. By Brahm (2003).

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Kreiranje kulture mira: Nenasilno rešavanje konflikata

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Sažetak

Istorija čovečanstva je obeležena upotrebom sile, što je nagnalo mnoge mislioce da tragaju za odgovorom na pitanja: šta su sukob i nasilje, kakva je njihova priroda, da li su generisani spolja, kojim silama, ili su proizvod ljudskih težnji za sebičnim zadovoljenjem sopstvenih potreba. Odgovor na ova pitanja je samo početak traganja, jer otvara nova, nesumnjivo podjednako važna pitanja – da li sukob i nasilje mogu predstavljati pozitivne vrednosti i, posebno, da li se sukobi mogu otkloniti ili transformisati pre nego što generišu nasilje, a ako mogu koji su to procesi, mehanizmi i strategije. Traženje odgovora na sva ova pitanja zahteva kompleksna multidisciplinarna i interdisciplinarna istraživanja, te integraciju i harmonizaciju njihovih rezultata u koherentnu celinu. Imajući to u vidu kao ograničavajući, ali i u isto vreme motivišući istraživački faktor, naš cilj u ovom radu je bio da putem sekvencijalnih analiza utvrdimo put rešavanja konflikata nenasilnim putem kroz etape njegovog odvijanja.

Ključne reči: društveni sukobi, faze sukoba, latentni konflikt, postkonfliktna izgradnja mira, nasilje, uzroci sukoba

Criminal Aspects of Medical Errors

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Abstract

In this paper, we focus on the importance and role of criminal law in sanctioning medical errors. Bearing in mind that criminal acts are the result of irresponsible, inappropriate or insufficiently careful behaviour of medical staff during the treatment, there are difficulties in proving them in criminal proceedings. Due to the complex causality and sensitiveness of this problem, there is a need for a detailed analysis of the relevant provisions of the Serbian Criminal Code. In this regard, our goal is a comprehensive review and assessment of the quality and efficiency of current legislative solutions. The court practice in the matter was also the subject of the analyses, so we tried to identify points of disagreement in the court's interpretation of legal provisions. Subjective elements of the legal definition of the basic form of the offence are particularly examined. We concluded the paper with recommendations for the improvement of legal solutions *de lege ferenda*.

Keywords: doctor, forensic expertise, medic, medical treatment, unnecessary surgery

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Criminal Aspects of Medical Errors

The proving of relevant facts in court proceedings becomes exceedingly hard when it comes to medical errors. Medical errors could result in civil or criminal liability of medical staff (Bryden & Story, 2011, p. 124). The issues of criminal liability of medical doctors always raise numerous ethical and legal questions. (Meng, 1997, p. 86). Practising the medical profession is a highly responsible task, which requires great professional knowledge and experience, as well as ethical qualities. On the other hand, the complexity and number of factors (external and internal) that affect a person's health condition, complicate the problem of determining causality (On causality: Živanović, 1922). Also, the fact that, during the court expertise, medical collegiality and solidarity often come to the fore, calls into question the objectivity and impartiality of the decisions based on such expertise (Ćirić & Pajtić, 2019, p. 213). As a consequence, the number of criminally convicted medical doctors is relatively small in the past few decades (Ćirić, 1991). However, an increase in criminal proceedings against doctors in recent years is evident. (Savić, 2019, pp. 259–260). There is an interesting fact: "in the expertise of the Institute of Forensic Medicine in Belgrade, in recent years, the largest number of cases in which forensic expertise is performed in criminal proceedings due to negligent provision of medical care was related to the work of anesthesiologists, obstetricians, and surgeons" (Savić, 2019, 260; Savić, 2010; Savić, 2016).

But one should also bear in mind that, like in any other profession, medical errors are sometimes inevitable. Not every medical error has the quality of a criminal act and imposing criminal sanctions is legitimate only when it is used as an ultima ratio (Savić, 2019, p. 261).

In this paper, we are analysing the provisions of the Criminal Code of the Republica of Serbia [CC] (2005) and the relevant court practice, to provide an objective assessment of the quality and adequacy of adopted legal solutions. Our analysis is predominantly based on the review of legal provisions, not on determining the medical facts. Having that in mind, we will present Article 251 of the CC and consider possible interpretations of its certain elements. Then, we shall focus on qualified forms within Article 259.

Finally, we will recommend some amendments and changes to enhance current legislation.

The Offense Under Article 251 of the Serbian Criminal Code

The crime stipulated under Article 251 regulates an overly sensitive matter. It incriminates medical errors that resulted in deterioration of health or, in the case of severe forms, severe impairment of health or death of the patient.

The Basic Form of the Offense

The basic form of this crime is present when a doctor "applies an obviously unsuitable means or obviously unsuitable method of treatment or does not apply appropriate hygienic measures or acts obviously unscrupulously and thus causes deterioration of a person's health". The proscribed punishment is imprisonment from three months to three years.

The actus reus of the crime consist of four alternative actions:

- use of an obviously unsuitable means.
- application of obviously inappropriate treatment.
- non-application of hygienic measures.
- obvious conscienceless.

The actus reus of the crime will exist when one out of four mentioned actions is performed. One of the four alternative actus reus needs to have the quality to be determined as the specific cause of the consequences of the crime – the deterioration of the health condition of the passive subject.

The *mens rea* needed for the basic form of the offence is the intent. If the doctor acted out of negligence, the act will be qualified by paragraph 3 of the same Article (a privileged form of the offence). However, one should bear in mind that the perpetrator's intent is always eventual, not direct. The doctor is aware that he is applying obviously inappropriate ways or means of treatment that could lead to a forbidden consequence, and he only agrees to that. If the intent was direct, it would be another crime, depending on the consequences that occurred (Stojanović & Perić, 2011, p.

201). For example, if a physician knowingly and willingly, with the intent to worsen a patient's health, apply an obviously inappropriate treatment, it would be criminally qualified as an attempted grievous bodily injury or murder, depending on the circumstances.

Some authors argue that it is almost impossible to prove *dolus eventualis* in a criminal proceeding and that in most cases perpetrators of this offence act out of negligence (Savić, 2019, p. 264; Stepić, 2009, p. 196). Indeed, this is a tricky issue. The legal definition of *dolus eventualis* in CC is narrow. *Dolus eventualis* is more than recklessness and less than intent. Article 25 of CC acknowledges *dolus eventualis* only when the perpetrator agrees to the act, including its consequence. It is exceedingly hard to prove that medical doctors agreed to consequences in these cases. The negligence will be far more frequent in practice.

The key to determining the existence of this offence lies in the question of whether the doctor acted *lege artis* (according to the rules of the medical profession). Therefore, the findings and opinions of experts of the appropriate medical speciality in criminal proceedings are of paramount importance in proving the criminal act. The rules of the profession produce certain standards of conduct, which change over the years, in accordance with new scientific knowledge and practice. Physicians are required to apply methods and standards of treatment that ensure the use of appropriate methods of diagnosis and treatment (Srzentić et al, 1986, p. 410).

Deviation from the rules of the medical profession is certainly a disciplinary (Labor law) violation, and often an ethical one, too. For this conscious and voluntary deviation to become a criminal offence, certain criteria need to be fulfilled. Criminal protection is the ultima ratio and its application is subsidiary in relation to other branches of law, i.e., it is reserved only for cases of socially dangerous violations of the rules of the medical profession (Stojanović & Perić, 2011, p. 198).

The first condition is that the doctor has significantly deviated from the rules of diagnosing and treating the patient when performing any type of medical activity (from surgery to vaccination, taking blood samples, or examinations in outpatient settings). Regardless of whether the goal of

providing medical assistance was treatment or, for example, a change in appearance during aesthetic surgery, or examination of health parameters, this condition is met when action is taken within the medical profession. Thus, the term treatment is interpreted extensively (Srzentić et al., 1986, p. 411; Stojanović & Perić, 2011, p. 200). The significant deviation is reflected in the application of obviously unsuitable means or methods, as shown above, as well as non-application of hygienic measures, i.e., other obviously unscrupulous treatment. Therefore, a conspicuous, obvious, and serious violation of the medical profession rules is required (Stojanović, Perić, 2011, p. 199; Stojanović, 2018; Delić, 2021).

Examples of an obviously unsuitable mean would be non-indicated drugs; incorrect dosage of the drug (for example, the paediatrician prescribes the child a much higher dose of the drug than recommended for his age – 10 instead of 5 ml); radiation overdoses; blood transfusion of inappropriate blood group, etc. (Srzentić et al., 1986, p. 411).

Obviously, inappropriate treatment would include, for example, unnecessary surgery; contraindicated physical therapy, etc. Non-taking of hygienic measures refers to general and specific measures which ensure complete sterility of instruments and performing of appropriate disinfection and cleaning (Stojanović & Perić, 2011, p. 199). Examples of obvious conscienceless are numerous and may include various actions, such as failing to undertake diagnostic procedures – X-rays, scanners, or ultrasounds; ECG or EEG examination, biochemical analysis; blood pressure measurement; determination of allergic hypersensitivity to the components of the drug or other applied agent, etc. (Srzentić et al., 1986, p. 412). For example, a patient comes to the emergency department of the clinical centre due to nausea and abdominal pain, as well as shortness of breath, but the attending physician discharges him without an ultrasound and ECG examination, explaining that he probably "consumed heavy food", after which the patient dies from the consequences of a heart attack that took place when he sought help.

One court decision is very illustrative: “the doctor did not take the necessary medical measures to make a correct diagnosis, i.e., did not perform further laboratory tests on the patient, nor did observe the patient... with a

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serial repetition of ECG at intervals of the half to one hour for several hours... and he obviously acted unscrupulously and thus caused a deterioration in the health of the now-deceased PP" (Presuda ASB, Kž1 721/14).

Obvious conscienceless is usually associated with failures caused by the superficial and unprofessional approach of the doctor, although it can also refer to active actions, such as performing a risky examination despite the existence of contraindications (e.g., a specific procedure that could endanger the heart or certain blood vessels is performed without blood pressure control, although the patient had a history of blood pressure problems). Court practice explains the meaning of the term "obvious": "it should be understood as gross neglect of medical duty, i.e., as a conspicuous mistake of a doctor who grossly violates the rules of the medical profession and science" (Rešenje ASK, Kž1 1356/2016).

Another condition for the existence of this crime is the occurrence of a consequence. Given the threatened punishment, the attempt of the offence is not punishable (Vuković, 2021; Stojanović, 2018; Lazarević, 2011), so the non-occurrence of the consequence excludes the existence of a criminal act. This means that if the doctor acted obviously unscrupulously and the health condition did not worsen, there will be no criminal offence.

The perpetrator of the offence under Article 251 paragraph 1 is the medical doctor. (Stepić, 2009, p. 194). However, the court states that a doctor of dental medicine can also be considered a perpetrator of this offence (Rešenje OSB, Kž. 553/09; Rešenje DOSB, K. 1156/08; same conclusion: Savić, 2019, p. 261). It is interesting that Article 181 of the Croatian Criminal Code explicitly mentions dental medicine doctors as the perpetrators of this crime (Kazneni zakon Republike Hrvatske, 2011). Criminal codes of Slovenia, Montenegro, and Republika Srpska have solutions similar to the Serbian Criminal Code (Kazenski zakonik Slovenije, 2012; Krivični zakonik Crne Gore, 2003; Krivični zakonik Republike Srpske, 2017). It is important to mention that all the states of former Yugoslavia have this offence in their criminal legislation (Stepić, 2009, p. 191).

The next important question is the circle of passive subjects (victims) of the crime under Article 251. Every born person up to his death can be the

passive subject of the offence. But, in court practice, one prominent issue occurred. Can an unborn child be the victim of this crime? One relatively recent court decision clearly states that the child has legal subjectivity from the start of birth: “having in mind the modern views of relevant sciences, from which it follows that the fetus – the unborn child received criminal protection from the moment of birth and has since been considered the holder of the right to life..., one can further conclude that the fetus acquires the status of the subject of this fundamental right, from the beginning of childbirth, which occurs with the onset of the first contractions and labour pains that naturally lead to childbirth, although that the child is not yet separated from the mother's womb” (Rešenje Apelacionog suda u Beogradu, 2015).

However, courts had different standing about the death of a fetus inside the mother's womb, in cases when it could live outside the uterus, but the childbirth hasn't started. The stand of the Court of Appeal in Kragujevac has well explained: “death of a fetus from a pregnant woman, who has reached such a level of development that he is capable of extrauterine life, and which occurred due to the commission of the criminal offence of negligent provision of medical assistance under Art. 251. para. 3. in connection with para. 1. of the Criminal Code, does not represent a consequence in the form of the death of one or more persons as a feature of the crime of serious crime against human health under Art. 259. para. 4. CC”. (Presuda ASK, Kž1 657/2019). At the session of the Supreme Court of Cassation, the conclusion was in line with the verdict of the Kragujevac Court of Appeals. (Zaključak, 2018). The practice of the European Court of Human Rights also confirms this conclusion (Ćirić pandemic. The so-called collision of duties in the situation when a hospital does not have enough medical resources (e.g., respirators) and medical doctors must choose between two or more endangered patients, is a matter of theoretical discussions, while valid and universal medical criteria and standards for proper conduct are still absent (Vuković, 2020, pp. 142–143).

Although it is not the subject of this paper, it is also worth noting that important theoretical questions arise when it comes & Pajtić, 2019, p. 222).

Finally, intriguing issues for Criminal Law theory arose during the Covid-19

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to patients' consent as a ground for justification of crime in medical interventions (Vuković, 2013; Čejović, 1967; Đorđević, 1963).

Particular, privileged, and qualified forms of the offence

A particular form of criminal offence is provided in paragraph 2 of Article 251. It exists when "another healthcare employee acts obviously conscienceless in providing medical assistance or care or in performing other healthcare activities which leads to consequences in the form of deterioration of the patient's health. The responsibility of other medical staff is, at first glance, lower than that of doctors, who make decisions about both diagnosing and implementing therapy. But other health professionals, who follow the doctor's orders and act on their own to care for or help the patient, can also cause severe consequences by their conscienceless behaviour. Therefore, the legislator introduced a particular form of the crime, for which he proscribed identical punishment as for the basic one.

This solution is legitimate, given the role of medical staff and their contact with patients, which, especially in hospital conditions, is often more intense or more frequent than contact between doctors and patients. Given that both nurses (technicians) and other staff are in a position to significantly influence the outcome of treatment through conscientious or opposite behaviour, they should be liable for the consequences of misconduct. There are numerous examples of conscienceless treatment, especially when it comes to performing hygienic measures or taking procedures such as vaccination, browning, blood sampling, hospitalization, raising and lowering patients, massage, and other physical therapy techniques, etc. This conclusion is undisputed in court practice: “medical care also includes bathing the baby in the pediatric centre by a nurse”. (Presuda OSB, Kž. 3517/06; Presuda POSB, K. 2004/03).

The privileged form of the offence has all the elements of the basic one except for the intent. It will be present when the perpetrator performs actus reus out of negligence. A proscribed sentence is a prison up to 1 year or a fine. This form of negligence is called professional negligence. (Pandit & Pandit, 2009).

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Aggravated (qualified) forms of the offence are stipulated in Article 259. The title of this Article is "Serious acts against human health". It encompasses qualified forms of certain crimes from this chapter of the Criminal Code, including this crime. Thus, imprisonment for one to eight years is envisaged if due to the actus reus from Article 251 para. 1 or 2, there was a severe bodily injury or severe impairment of the patient's health. If the consequence of the actus reus was death, the proscribed sentence is from two to twelve years in prison.

This article also envisages a qualified form of the act referred to in paragraph 3 of Article 251. If the serious consequence was a serious impairment of health or a serious bodily injury, the penalty is up to three years in prison; while in the event of death, a sentence of one to eight years in prison is envisaged.

In the first two cases (the acts referred to in paragraphs 1 and 2), the basic form of the offence was committed with intent, while the consequence is the result of conscious or unconscious negligence of the perpetrator (Počuča et al., 2013, p. 210).

In the case of a more serious consequence of the act referred to in paragraph 3, the action itself and the more serious consequence are both the result of negligence. For example, due to poor heed, the doctor failed to enter the data on the patient's allergic sensitivity, because of which he received the medicine to which he is allergic, intramuscularly; and afterwards, there was a severe deterioration in health and death. In relation to both consequences (deterioration of health and death), the doctor here acts out of negligence.

All forms of a criminal offence under Article 251 (and its qualified forms under Article 259) are exceedingly difficult to prove in court practice. This particularly stands for the forms stipulated in Article 251 paragraph 1 or 2, because *dolus eventualis* as a form of *mens rea* cannot be easily proven.

Conclusion

Although current legislation generally provides a solid normative framework for criminal sanctioning of medical errors, there is room for certain improvement. First, the legal definition of a basic form of the offence could be

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more precise. In one court decision we mentioned, it was clearly stated that Dental Medicine Doctor can also be the perpetrator of this crime. But, the circle of potential perpetrators should be defined by the legislator, without leaving space for different interpretations (as in the Croatian Criminal Code).

Second, and maybe the most important remark, is related to the definition of consequence and element of guilt in the basic form. The causality in the case of medical errors is very complex. We believe that the current legal definition of the consequence, according to which the action of a doctor must be the direct cause of deteriorating health, unnecessarily (perhaps unfairly) complicates the criminal proceedings. Also, it is extremely hard to prove (and even to believe) that medical doctors agreed to the deterioration of the patient's health, in case of *dolus eventualis*. Having that in mind, we suggest the change of legal definition of the basic form (and consecutively, other forms). We believe the better formulation would be the following one: a doctor (or Dental Medicine Doctor) who applies an obviously unsuitable means or obviously unsuitable method of treatment or does not apply appropriate hygienic measures or acts obviously unscrupulously although he was aware or was obliged to be aware that it could lead to deteriorating of patient’s health, if the deterioration actually occurs, will be punished... Thus, the deterioration of health becomes an objective condition of incrimination instead of a consequence. The awareness of the possible worsening of a health condition becomes part of the guilt element. The offence would exist in the case of *dolus eventualis* or negligence, and the proscribed sentence should be much more flexible (the sentencing range should be wide enough so the courts could choose adequate sentences for different forms of guilt).

This model of formulating the subjective element is not common in our criminal law, but it seems more appropriate, considering the phenomenology of offence. If the legislator adopts this solution, a privileged form will cease to exist in a separate paragraph, because it would become part of the basic form of the offence.

It seems to us that the basis of liability lies primarily in the fact that the doctor deviated from the rules of the profession, although he was aware or, more often, was obliged to know (although he did not) that such a move

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could lead to a worsening of the patient's health. (Smith, 1996, p. 146). In other words, the basis of liability is in his psychological attitude towards the performed action and the severe failure to obey the professional standard of care. The focus of the legal definition should be put on the action and *mens rea* (especially professional negligence), not on the causality and the consequence. Of course, one has also to be aware of the challenges present when it comes to proving criminal negligence. (Greenberg, 2021). This, of course, does not mean that crime should exist without deterioration of health. That is supposed to become the objective condition of incrimination, as we concluded.

The third remark is about legislative technique. The particular form of the offence stipulated in paragraph 2 of Article 251 could be erased and joined to paragraph 1 of the same Article, with a slightly different formulation (etc. the doctor, dental medicine doctor, or other members of medical/dental staff).

Article 181 paragraph of the Croatian Criminal Code also introduces abortion as a qualifying circumstance. Although it could be argued that abortion is also considered a type of serious bodily injury, we believe that abortion, as a consequence, should be explicitly stated in our legislation, too. Also, our, as well as the Croatian incrimination, does not proscribe the damage to the fetus as a qualifying circumstance. We believe it would be legitimate to prescribe foetal damage (in the phase before the beginning of childbirth) as a qualifying circumstance. The justification for the criminalization of this consequence is evident because certain medical treatment or diagnostic methods sometimes lead to foetal damage. With proscribing foetal death and foetal damage as consequences of this crime, criminal protection would be more appropriate and certain dilemmas that are now present would vanish.

One should bear in mind that criminal repression against members of the medical profession that is too strict could be counterproductive. (Ćirić & Pajtić, 2019, pp. 225–226; Pandit & Pandit, 2009, p. 379; Smith, p. 131). A fair balance between the protection of patient rights and the consideration of the complexity and sensitivity of healthcare activities is needed. With recommended amendments, our legal framework, we believe, would be more efficient and fairer to the victims and society as a whole.

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Krivični aspekti medicinskih grešaka

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Sažetak

U ovom radu se fokusiramo na značaj i ulogu krivičnog prava u sankcionisanju lekarskih grešaka. Imajući u vidu da se krivična, dela koja proističu iz neodgovornog, nedoličnog ili nedovoljno pažljivog ponašanje lekara tokom obavljanja lečenj, postoje teškoće njihovog dokazivanja u krivičnom postupku. Zbog složene uzročnosti i osetljivosti problema, postoji potreba detaljnog analihziranja relevantnih odredbi Krivičnog zakonika Srbije. U vezi sa tim, naš cilj je sveobuhvatno sagledavanje i procena kvaliteta i efikasnosti aktuelnih zakonskih rešenja. Predmet analize je bila i sudska praksa po tom pitanju, te smo pokušali da ukažemo na tačke neslaganja u sudskom tumačenju zakonskih odredbi. Posebno su ispitani subjektivni elementi zakonske definicije osnovnog oblika krivičnog dela. Rad je zaključen preporukama za unapređenje zakonskih rešenja *de lege ferenda*.

Ključne reči: lekar, sudskomedicinsko veštačenje, medicinksi tretman, nesavesno lečenje, nesavesna operacija

Undercover Investigator in Legislation of the United States and the United Kingdom

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Abstract

In this day and age, one of the specific ways of responding to organized crime is covert operations which, as a measure of an undercover investigation, are a very important form of legal and criminalistic actions. The most efficient tactic of covert operations is deploying an undercover investigator. The success of undercover agent missions is reliant on meticulous planning of every stage of the investigation, in this way the actions of undercover agents can prevent the future criminal activity of suspects and members of criminal organizations. The research subject of this paper encompasses the criminal procedure analysis of an undercover investigator in the legislation of the United States of America and the United Kingdom. This paper aims to compare the legal framework of commissioning an undercover investigator in two compatible legal systems to identify the elements that differentiate between these models and the legal solution in the Republic of Serbia. In the conclusion, we highlight the advantages and disadvantages of the observed differences.

Keywords: undercover investigator, organized crime, infiltration, inciting agent, felony

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Undercover Investigator in Legislation of the United States and the United Kingdom

Classical methods and approaches to uncovering and proving crimes have been made obsolete under the demands of the modern age and the overall complexity of criminal activity. Traditional criminal methods, although they have reached a high level of development, have proven ineffective and inefficient in preventing and suppressing organized crime (Vuković & Bošković, 2012). For the past few decades, modern society has been trying to find appropriate ways and mechanisms to adequately counter one of the most difficult and complex forms of criminal activity – organized crime. Scope and forms of its manifestation, as well as the connection of organized crime to holders of political and economic power as well as the vast corruption potential (Bjelajac, 2015, p. 48) due to the acquisition of great financial power by committing various crimes, makes organized crime much more difficult to uncover, combat and prove, which, in turn, make the risk of this type of crime multiple times greater than the danger of the most serious classical crimes. Furthermore, criminal acts of organized crime employ modern resources of science and technology (Matijašević & Zarubica, 2020), especially means of communication, which increases the possibilities of criminal activity at the international level.

Undercover, covert, police operations involve different methods of a certain level of infiltration and secrecy, different intensity of instigating crime, where the true identity of the undercover investigator must remain unknown to other persons. The essence, in broader terms, of these new police tactics, is that the police officers engage in a certain relationship with suspects, and to some extent participate in the commission of crimes themselves, all in order to gather evidence and prosecute the alleged persons in criminal proceedings. Unlike in the European legal systems, where an undercover investigator can only be a police officer or officer of another state body, in the United States of America (the USA, henceforth) an undercover agent, in addition to the law enforcement officer or Federal Biro of Investigation (FBI, henceforth) agents, criminals can be hired as informants.

Our aim in this paper is to present the specifics of this special evidentiary action in the United States of America and the United Kingdom, the conditions under which an undercover investigator can be hired, as well as the analysis of their tasks during the engagement.

The methods used in this research are the normative method, which was used to analyse the legal regulations related to the topic in question, the comparative method, which we used in the comparative analysis of the undercover investigator institute in the legislation of the United States, the United Kingdom, and in the European continental legal system. Furthermore, the method of content analysis was used, which was employed to fully understand the basic concepts that are the subject of this research.

Undercover Investigator in the Legislation of the USA

In the USA, the institute of the undercover investigator is not prescribed by a single act, but by general provisions in the form of guidelines, instructions, guides, or directives from the Attorney General. In the USA, there is the institute of an undercover, secret agent, which, like an undercover investigator in European countries, infiltrates a criminal environment under a changed, false identity in order to gather evidence regarding organized crime (Jevremović, 2020). In the USA, in the Attorney General's guidelines on undercover FBI operations, an agent undertaking an undercover mission is defined as a member of the FBI or other federal, state, or local police force, acting on instructions and under FBI control, and whose connection to the FBI is concealed from third parties during the investigation, through a secret or false identity. Therefore, the basis for deploying an undercover agent is based on Federal Justice Department's guidelines, which prescribe detailed approval procedures for conducting all undercover investigations involving FBI or police officers. The approval procedure is based on the principle of multi-stage decision-making of multiple instances of the FBI and The Department of Justice, depending on the duration of the undercover mission. These guidelines stipulate that an undercover agent may be used only when there is reasonable doubt that a certain person has committed a crime. The guidelines also contain a very rigorous framework regarding the actions of an undercover investigator

and contain rules on covert investigations that are short-term and conducted locally, unlike those conducted based on approval by the Federal Prosecutor's Office or the Committee for conducting covert investigations (The Committee, henceforth). As for "particularly sensitive investigations", such as those involving politicians or civil servants, special approval is required by the Committee, whose members are the heads of the FBI and the Department of Justice. The guidelines stipulate that only the FBI director can authorize participation in covert operations in which the use of force by undercover agents may occur or injury to third parties can happen. As we've seen, the involvement of undercover agents in the USA is not regulated by Law but through bylaws, specifically the aforementioned guidelines.

Unlike in the European legal systems, where an undercover investigator can only be a police officer or officer of another state body, in the USA an undercover agent, in addition to a law enforcement officer or FBI agent, criminals can be hired as informants (Škulić, 2015, p. 525). Therefore, the possibility that the undercover investigator may also be a person who comes from a criminal background, as stated, in the USA yields good results. Also, the fundamental difference between these two institutes in the specified legal systems is that in the USA, it is characteristic that undercover agents can infiltrate the criminal environment for a very long time, while in countries of continental Europe, the involvement of an undercover investigator is time-limited.

According to the above-mentioned, it is noted that the tasks of an undercover investigator, or an undercover agent, are as follows:

1) determine whether a crime is being prepared, if it is already underway, or if it has been committed;

2) determine the identity of all persons involved in the case;

3) gather evidence for the court;

4) find smuggled, stolen, or similar goods and

5) determine the best time for a sudden police incursion into a criminal meeting or the capture of their leaders (Marinković, 2009).

All undercover FBI operations are conducted under the authority of the United States Attorney General under the USA code. At the very beginning of

the Guidelines, it is said that the use of covert techniques is a legally permitted and irreplaceable technique that serves to uncover, prevent and indict white-collar crime, corruption, organized crime, terrorism, and illegal trafficking of controlled substances. The Guidelines prescribe general standards for authorizing undercover operations, and in this context, any official wishing to obtain consent or authorization for a covert operation, he proposes, should consider the pros and cons of such an operation. There are two types of such operations: secret operations approved by the competent special agent (Group II operations), and secret operations approved by the FBI Headquarters (Group I operations), (Marinković, 2010, p. 410). In the first case, the operation of group II missions, secret operations approved by the competent special agent, authorization to implement this measure may be given for a maximum period of six months and extended for another six months, but not longer than one year. The operating costs of conducting this operation must not exceed 50 thousand dollars, except when investigating the illegal trade of narcotics, when the costs can be twice as high. In the latter case, in the case of covert operations approved by the FBI Headquarters, or Group I operations, they may not last longer than six months without a possibility of extension, unless extraordinary circumstances arise.

In the USA, the FBI's Guidelines for Undercover Operations prohibit an undercover agent from engaging in illegal activities unless necessary to: obtain information, knowledge, or evidence that pursues the goals of prosecuting the perpetrators of the most serious crimes; preserving the credibility of the undercover agent; elimination of mortal danger or grievous bodily harm to an undercover agent. Accordingly, an undercover agent may, in exceptional cases, engage in illegal activities. Incitement to commit a crime is also prohibited, except in accordance with the rules relating to "entrapment" – avoiding the trap, acting in measures and actions that constitute illegal investigative techniques such as illegal wiretapping and search, as well as, participating in any act of violence, while the undercover agent has the right to take reasonable self-defence measures to protect his or her own life or the lives of others. A report on the measures taken is submitted to the competent prosecutor and the FBI Headquarters. However, there is no consistent legal act in the

USA that would regulate the deployment of undercover investigations in a uniform way. So far, only the federal state of Iowa has regulated the conditions of amnesty of an undercover investigator who committed a crime within the undercover operation, provided that:

1) the agent is not the initiator of the criminal offence;

2) that he did not intentionally injure any person who did not participate in the operation;

3) that he acted with the knowledge and approval of the competent persons or that it was a matter of a subsequent danger that couldn't be avoided;

4) the overall behaviour of the undercover investigator indicates behaviour appropriate to the situation in which there were no other alternatives.

In the USA, the activities and identity of an undercover agent are largely protected by a plea deal, because no evidence is presented in that case, so the undercover agent will not appear as a witness in the proceedings, and therefore there will be fewer problems in with concealing the identity of the agent. The Supreme Court of the United States, in proceedings related to drug-related crimes, accepts the acquittal of an undercover agent in the event of the violation of the rights of others, due to the inability of an undercover officer to act effectively in any other way, in other words, to collect evidence for the procedure in another way.

In the USA, the problem of "entrapment", or the problem of criminal responsibility of persons who committed the crime with active cooperation, encouragement, and incitement of an undercover agent, appeared at the end of the 19th century. Initially, little attention was paid to this problem, but even before the beginning of the 20th century, there was a case when the suspect was acquitted based on incitement.

"Entrapment" is handled by the courts in various ways, such as:

1) grounds for exclusion of prosecution;

2) procedural interference with the investigation;

3) mixed solutions;

4) violation of the right to fair treatment.

The bottom line is that a person caught in entrapment avoids punishment (Feješ, 2006, p. 418). FBI Guidelines also indicate that in the implementation

of undercover operations, "entrapment" must be avoided with great care. The trap occurs when the state authorities incite an idea to commit a crime in a certain person, who is not inclined to commit criminal activity and then lead him to commit it, in order to prosecute him.

In this context, authorization for any undercover activity that contains elements of inciting an individual to commit a crime must not be granted until the person granting the authorization is fully persuaded that:

1. "that it is sufficiently clear to potential subjects that these are illegal activities;

2. that the nature of inciting is justified, having in mind the character of the illegal transaction in which the individual is invited to participate;

3. that it can be reasonably expected that illegal activities will be exposed through incitement and

4. that one of the following restrictions is met – the existence of reasonable doubt that the subject is involved, or is likely to be involved, in the incited illegal activity or similar illegal behaviour, or that such an opportunity has been created for illegal activity based on the belief that a person who is attracted to such an opportunity, or is offered it, has a predisposition to be involved in planning illegal actions" (Marinković, 2010, pp. 418-419).

Every undercover agent must receive guidelines and instructions not to plan or induce criminal activity, not to take part in events with elements of violence, and not to use illegal means to gather evidence.

On the issue of "entrapment", the US Supreme Court has formed two opinions: subjective (majority) and objective (minority). According to the subjective understanding, for "entrapment" to exist, it is necessary:

1) that the police officer incited a criminal offence;

2) that the suspect would not have committed the criminal offence without it;

3) and that the purpose of the undercover investigator was to obtain evidence for the prosecution.

According to the supporters of this view, which is also the ruling opinion, the suspect should be acquitted or convicted depending on his predisposition to commit the crime he is prosecuted for. The jury is competent to determine

the existence of "entrapment" and predispositions, and in the case, it determines that there was "entrapment", the public prosecutor has no right to appeal against the decision due to the prohibition of double jeopardy. Previously, it was not possible for the suspect to deny committing the act he is charged with and to invoke "entrapment", while in recent times this has become possible. In case the suspect manages to make it probable that he committed the crime due to incitement by secret agents, the burden of proof shifts to the public prosecutor, and he has to prove the existence of a predisposition to commit a crime.

In order to prove the predisposition of the suspect, the existence of certain circumstances around the suspect is determined, such as previous life, the previous conviction of that person for the same or similar criminal offences; the conduct of the suspect after the commission of the crime and his deposition; the suspect's reaction to the agent's incitement, whether he wanted to give up, how long it took him to accept the offer; the reputation of the suspect in the environment in which he lives and works; and the ability to commit a specific crime, their expertise and preparedness (Abadinski, 2004, p. 434).

A subjective point of view is exposed to several critiques that have some merit, but it is believed that an objective point of view brings with it even more doubts and problems, which in turn means that there is a larger number of supporters of the subjective point of view.

Proponents of the objective opinion, criticize the subjective theory and emphasize the irrelevance of the predisposition, and only take into account the behaviour of the undercover investigator and therefore assess whether he has exceeded the limit of his powers or not. According to this theory, "entrapment" is a procedural, not a material obstacle to a conviction. Accordingly, the defendant will not be convicted even though there are all the conditions for a conviction, as such, a conviction would be contrary to the general interest aimed at combating and preventing police abuse. Contrary to the subjective understanding, here the burden of proof is on the side of the defendant because he has to prove that the police exceeded the limits of their official powers. The decision on the existence or non-existence of

"entrapment" is made by the court, not the jury, as in the case of subjective opinion, because it is considered a procedural issue.

In recent times, some mixed solutions have been developed in the USA, which sought to overcome the shortcomings of both subjective and objective theories. Some mixed solutions require the cumulative existence of elements of both theories, where in order for "entrapment" to exist, the defendant must prove that he had no predisposition at the time of the crime and that the secret agent's behaviour was such that the average person without predisposition for the commission of a criminal offence, would be led to commit such an offence. Other mixed solutions, which we consider to be better and more legitimate, provide an alternative fulfilment of the conditions, it is enough for the defendant to prove that he was not predisposed to commit an illegal act or that the agent on an undercover mission exceeded his authority. Such solutions use the advantages of the mentioned theories in the right way, unlike the previously mentioned mixed solutions, which emphasize the shortcomings of both understandings.

Undercover Investigator in the Legislation of the United Kingdom

In the United Kingdom (the UK, henceforth), the Undercover Investigator Institute has long been used to prevent and combat organized crime, terrorism, and drug-related offences. The National Criminal Intelligence Service of the United Kingdom always points to the dangers of organized crime, the police have long used various methods of undercover investigations and operations, guided by the principle that everything that is not explicitly prohibited is allowed. This resulted in a high degree of independence and autonomy of local police services, with great powers and authority. In order to protect human rights from various abuses, it is mandatory to respect the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms and their consistency in practice. To this extent, the Declaration on Ethical Standards and Secret Investigation Techniques was adopted, which obliges state bodies, primarily police services, to respect the mentioned convention. The entire activity of the undercover investigator, the authorizations, conditions, and methods of the investigator's actions are not precisely

legally regulated but are regulated by the guidelines of the Ministry of the Interior. These guidelines prohibit inciting criminal activity, as such conduct results in criminal liability. The guidelines of the Metropolitan Police oblige the police chief, before starting the mission of an undercover investigator, to give instructions and advice to refrain from any action that could be interpreted as provoking criminal activity (Jović, 2008, 37). Certain problems may arise during the application of the said institute in cases related to narcotics, because in that case the activity of the investigator is debatable since he participates in the drug trade, and as a consequence of all this, illegal actions may occur. In the British legal system, provoking a suspect is not a basis for his release from responsibility, but can only be a mitigating circumstance when sentencing. According to the 1989 Law on the Prevention of Terrorism, there is no criminal liability for a person who, with the express approval of the police, participates in the commission of a crime related to financial assistance and fundraising for terrorist groups, while collecting evidence for these crimes and against suspects.

In the case when an undercover investigator or informant needs to participate in criminal activity, this may be allowed if the following conditions are met:

1) active non-participation in the planning and execution of a criminal offence;

2) passive actions and reactions;

3) participation in the preparation of a criminal offence in order to gather evidence and apprehend suspects (Joh, 2009, p. 160).

In the UK, the use and conduct of informants and undercover agents are partly regulated by the same provision of The Regulation of Investigatory Powers Act (2000), which defines these categories as "secret intelligence human resources", this institute represents – a person who establishes or maintains personal or any other relationship with a person, trying, in secret, to enable everything to be done in order to:

– covertly using that relationship to obtain information or to provide access to information to another person,

– covertly disclosing information obtained through the use of such a relationship or arising from the existence of such a relationship.

The request for the use of an informant should be given in writing and should include the following information (Joh, 2009, p. 163):

– the reasons why it is necessary to use the informant in a particular case;

– the reasons why the use of the informant is considered to be proportionate to what is desired by this procedure;

– the purpose for which the informant will be used, and for which he will be entrusted with certain tasks;

– in the case of a specific investigation or operation, information on the nature of that operation or investigation should be provided;

– the nature of the tasks to be entrusted to the informant;

– required level of approval;

– details of any potential collateral interference in the private sphere and the reasons why this is justified;

– details regarding confidential information that is likely to be obtained thanks to the given use of informants (Joh, 2009).

The use and conduct of the informant are lawful and permissible, provided that approval is given for its engagement and that the conduct of the informant is following that approval. The basic conditions for issuing an authorization in the United Kingdom are based directly on Article 8 (2) of the European Convention, which specifically means that an authorization for the use of an informant may be granted if one of the following conditions exists:

– interest in national or public security;

– prevention or detection of crime or prevention of riots;

– Britain's economic interest;

– protection of public health;

– proportionality of the use of the informant to what needs to be accomplished by using this tactic.

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Conclusion

The involvement of an undercover investigator, like any other special evidentiary action, essentially has an "ultima ratio" character, but this is even more emphasized in this specific evidentiary action. Subsequently, it is necessary to point out that this measure is used only in exceptional cases and concerning certain criminal acts, because only in that way can the necessary efficiency and success can be achieved. Special evidentiary actions, including the institute of an undercover investigator, represent one of the most effective actions taken in combating organized crime, but also other serious forms of crime, as well as criminal acts "without a victim", the so-called consensual crimes, which include the illegal trade in drugs, weapons, and corruption crimes.

The application of this special evidentiary action, due to all its specifics, brings certain problems in terms of the possibility of human rights abuse, the danger to the reputation of the police, and the trust of citizens in the police force.

It is realistic and inevitable that special investigative means and covert, secret police operations imply a certain degree of violation of privacy, and encroachment on the rights of persons, but in that case, the emphasis must be put on a greater goal, and the protection of the whole of society. Consequently, every country tends to find and establish a balance between the need for effective prevention and suppression of serious crimes, on the one hand, and respect for privacy and guaranteed rights and freedoms of citizens, on the other hand.

The main problems and obstacles in the application of this special evidentiary action are reflected in the fact that the undercover investigator infiltrates the criminal environment in order to act secretly, in a covert manner in order to collect evidence and operational data necessary to initiate and end criminal proceedings. He must take care not to be detected, and he must also be careful not to commit a crime and endanger himself and the investigation.

The responsibility of the investigator is directly related to his efficiency.

Meaning, that the greater the freedom of action of the undercover investigator, the more efficient his work is, and the greater is the possibility of abuse, and vice versa. In this regard, it is necessary to make a sustainable and high-quality legal solution regarding the deployment of undercover investigators, where the limits of their powers will be clearly and concisely determined, as well as in which cases it is possible to give legitimacy to them committing crimes, and which crimes.

In the USA, a secret agent is allowed to commit a crime under certain conditions. In that sense, in the situation in which an undercover investigator cannot avoid committing a crime after the secret investigation has begun, he must inform and obtain approval from the competent officer of the Federal Police. If this is not possible for objective reasons, the undercover investigator may participate in the criminal activity without permission, but he must inform the Federal Directorate of the FBI within 48 hours. What is important to note is that in the USA, under the direction of the Federal Bureau of Investigation, secret agents are strictly prohibited from conducting two types of activities: coercion of persons who have no predisposition to commit a crime, and planning and participation in acts implying violence during a covert operation.

In the UK, according to the guidelines of the Ministry of the Interior, inciting crime is prohibited, that is, such behaviour entails the criminal responsibility of an undercover investigator.

In the Republic of Serbia, the undercover investigator uses similar methods, which consist of infiltrating a criminal group and covert action in order to gather the necessary evidence for uncovering criminal acts committed by a criminal group. The main difference is that in the Republic of Serbia the role of an undercover investigator can only be assumed by a police officer, or an officer of another state body, while in the USA and UK, apart from police officers a role of an undercover investigator can be assumed by an informant, as well as ex-criminals. Also, in the Serbian legal system, it is forbidden for an undercover investigator to incite criminal activity, in other words, an undercover investigator can't act as an agent provocateur, while in the USA an undercover investigator can incite a person to commit a crime,

in cases when the person in question is already showing a predisposition to commit a crime. However, it is forbidden for an undercover investigator to incite the will to commit a crime, unless that will was already present in the criminal. Additionally, the duration of undercover missions is not precisely defined, while in the Republic of Serbia the duration of an undercover mission can be a maximum of one year and six months. Although some differences between our legal system and the legal systems of the USA and the UK are evident, we believe that the existing solutions in Serbian legislation are adequate and that changing the duration of the undercover mission to indefinite and introducing the possibility of hiring an informant, would lead to misuse of basic human rights and multiple practical problems.

Finally, it is important to note that the success of an undercover investigator depends not only on the normative solutions contained in the laws but also on the criminalistic aspects of hiring an investigator, by which we mean, choosing a well-trained person who will infiltrate the criminal environment.

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Prikriveni islednik u zakonodavstvima Sjedinjenih Američkih Država i Velike Britanije

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Sažetak

U današnje vreme, specifični načini reagovanja na organizovani kriminal su prikrivene operacije koje su, kao mera prikrivene istrage, veoma važan oblik pravnih i kriminalističkih akcija. Najefikasniji metod u tom smislu je angažovanje prikrivenog islednika. Uspeh misije agenta na tajnom zadatku sastoji se u adekvatnom planiranju u svim fazama angažovanja, a delovanje agenta može da spreči buduća krivična dela koja se planiraju od strane osumnjičenih, odnosno članova kriminalnih organizacija. Predmet istraživanja ovog rada sastoji se u krivičnoprocesnoj analizi prikrivenog islednika u zakonodavstvu Sjedinjenih Američkih Država i Velike Britanije. Cilj rada je da se uporednom analizom zakonskih okvira angažovanja prikrivenog islednika u dva kompatibilna pravna sistema uoče elementi koji čine razliku između ovih modela i zakonskog rešenja u Republici Srbiji. U zaključnim razmatranjima autori ukazuju na prednosti i mane uočenih razlika.

Ključne reči: prikriveni islednik, organizovani kriminal, infiltracija, agent provokator, krivično delo

International Legal Aspects of Mass Surveillance and Implications on Privacy

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Abstract

The development of modern information and communication technologies, in addition to numerous positive aspects, has also brought challenges to human rights, especially the right to privacy. The paper analyzes the relationship between the practice of mass surveillance and the right to privacy. The acute problem of abuse during the practice of mass surveillance at the international level was pointed out. An analysis of the existing legal framework at the international level was performed, as well as the practice of European institutions. Research has shown that international law does not support modern policies and practices of mass surveillance, which are especially used by the great powers. It has been established that states, especially great powers, resort to the argument that national security is endangered or that there is a danger of terrorism, to justify the practice of mass surveillance. Given the lack of universal legal regulations that would protect the right to privacy from abuse based on the practice of mass surveillance, the solution lies in concluding bilateral agreements or adopting non-binding legal norms. The normative method and legal-logical methods of induction and deduction were used in the research.

Keywords: law, cyber security, privacy, mass surveillance

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International Legal Aspects of Mass Surveillance and Implications on Privacy

The modern world in the 21st century is characterized by the rapid development of modern technologies, and the rapid flow of information, all of which must be accompanied by appropriate legal regulations. This is especially evident in the field of human rights protection, one of the most important of which is the right to privacy. However, the question arises as to how to reconcile the need to preserve the right to privacy with the interest in preserving national security, protection from terrorist attacks, economic interests or other reasons. Numerous scandals related to the practice of mass surveillance announced in the mass media, and especially the scandal around Edward Snowden, have shown all the complexity of this problem.

At the same time, states and their intelligence agencies are reluctant to reduce their competencies in any way when it comes to national security, which is often not without grounds. Not to mention the complex political relations between East and West on the issue of cyber security. Indeed, there are legal and legitimate reasons that in certain circumstances the wall of inviolability of the right to privacy may be torn down, at least temporarily, to preserve higher goals. But there is a dilemma as to how to draw the line between the need to protect the right to privacy and other human rights on the one hand and the need to protect national interests in situations where they are threatened, especially when it comes to external threats.

In this paper, we analysed these dilemmas, focusing first on the right to privacy, and then analysing the system of mass surveillance and relevant legal regulations at the international level.

The Notion of the Right to Privacy

The accelerated development of information and communication technologies has brought many positive effects on the population and the economy, but at the same time, it has enabled the creation of a system for mass monitoring, surveillance and eavesdropping on communications. With

the development of communication networks, the concept of "networked society" appears as a virtual world in which everyone communicates with everyone. This communication becomes a source of the most diverse information about people. A person is far less careful than in the real world in the virtual world. Apparent invisibility and distance create a feeling of anonymity and security in him, so in certain situations, he gives personal data or undertakes those actions that he would certainly never do in the physical world (Dimitrijević, 2014, pp. 249–250).

The problem of privacy and the right to privacy has long been the result of sharp theoretical debates, with different views expressed. Thus, in the field of intimate relations, the right to privacy was first recognized in a significant case in 1965, Griswold v. Connecticut. In Griswold, the U.S. Supreme Court overturned a Connecticut law banning the sale or use of contraceptives to married couples. The court identified the right to privacy based on the First, Third, Fourth, Fourth and Fifth Amendments to the US Constitution and claimed that the right to privacy in marriage is older than the Charter of Rights (Sarat, 2015, p. 6).

One of the definitions of privacy can also be found in the work of American judges Samuel Warren and Louis Brandais, where the right to privacy is defined as the right to be left alone (Warren & Brandais, 1890, cited in Dimitrijević, 2014, p. 250). In the second half of the twentieth century, this right grew into the right to personal autonomy and consisted of guaranteeing a sphere of personal autonomy within which each individual would have the right to independently, without state interference, regulate their relations with other people. In France, it operates with a unique notion of private life, understood narrowly and with an emphasis on secrecy. In the German doctrine, the right to privacy was very limited until the ruling of the Federal Court in 1954, which recognized the general personal right, and explicitly the right of every person to a secret sphere. The Swiss Civil Code contains a general clause on the protection of the individual which is the legal basis for the protection of the right to privacy. The already determined right to privacy is the absolute subjective right of a natural person to be able to independently decide on the acquaintance of third parties with any manifestation

of his existence. From this right arise especially personal rights such as the right to private life, the right to character, the right to vote, and the right to personal writings (Sinđelić 2012, 9). Kurland defines the right to privacy as a set of three rights: the freedom to intrude on and observe one's private life, the right to maintain control over personal information, and the freedom to act without interference (Kurland, 1976, p. 8).

The problem of privacy has become increasingly important with the development of modern societies and modern technologies and the Internet, and there have been some changes in the definition of this term. Privacy in electronic communications includes the collection, processing and provision of information about the user to third parties, where individuals when recording activities and personal data determine when, how and to what extent information about their private sphere should and can be available to others (Jovanović, 2014, p. 94, cited in: Vilić, 2016, p. 20). Some authors define privacy as a term that encompasses personal autonomy, democratic participation, self-identity management, and social coordination (Cho et al., 2009, pp. 395–416).

According to other authors, the right to privacy does not exist, because any interest protected as a private interest can be equally well protected by some other right, first of all, property or property rights and the right to bodily integrity and security (Jarvis-Thomson, 1975, pp. 295–314). Some authors even claim that the right to privacy, which they want to protect, is economically unprofitable (Posner, 1982, pp. 942–946), and there are views that special emphasis on the need to protect the right to privacy is harmful to women because this right is manipulated, in order for women to be controlled and under the constant domination of men, under the illusion of a desire for their protection (MacKinnon, 1989).

Also, privacy is defined as a political right, but also as a right that exists to protect the interests of citizens (Barnes, 2006). Some authors define the right to privacy as the right of an individual to protection from intrusion into his personal life or business, the life of his family members, either directly by certain actions or by publishing personal information (Shah, 2013, pp. 47–71), or (in the context of social networks) all data that one individual publishes on his profile, which includes pictures, comments,

data on movement and socializing, etc. (King et al., 2011).

Recently, some authors (Boban) are paying more and more attention to the so-called "information privacy", which is a request of individuals, groups or institutions to decide independently when, how and what information about themselves to give to others. According to them, in a broader sense, the concept of information privacy includes information security, which means that an individual in the information society decides when, to whom, how much and how to communicate personal data, taking into account their rights and needs, as well as rights and the needs of the community in which he lives. Information privacy unites the legal values of protection of the rights of individuals in the society of developed information technologies, and this concept of personal data protection, related to communication via electronic networks, is also called "e-privacy" (Boban, 2012, pp. 581–582, p. 595).

After the affair with Edward Snowden, it became clear how important the right to privacy in cyberspace is. This was confirmed by the UN Human Rights Council, as well as the UN General Assembly, which stressed the view that "the same rights that people have offline must also be protected online, including the right to privacy" (United Nations General Assembly, 2015). Privacy is also recognized as a human right in the UN Universal Declaration of Human Rights (Art. 12), as well as in the 1966 International Covenant on Civil and Political Rights.

The most important regional act in Europe, The Convention for the Protection of Human Rights and Fundamental Freedoms, states in Article 8 that "everyone has the right to respect for his private and family life, his home and his correspondence". The Convention stipulates that the suspension of this right may be exercised only when prescribed by law and necessary in a democratic society in the interests of national security, public security or economic well-being, to prevent disorder or crime, to protect health or morals, or to protect the rights and freedoms of others. In addition to this convention, the Council of Europe Convention for the Protection of Individuals with regard to the Processing of Personal Data (Convention 108+), Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on

the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and the African Union Convention on Cyber Security and Data Protection should be noted. As regards the national legislation, according to the Report of UNCTAD, 69% of UN Member States have their own legislation regarding the protection of privacy and personal data, 16% of the country does not have regulations in this area, while 10% of the country has made draft appropriate regulations. On the other hand, no data are available for 5% of the countries (UNCTAD, 2020). With regard to the countries that have appropriate laws regarding the right to privacy, it can be said that there is a certain "patchwork". Thus, in some countries, the right to privacy is stated in the constitutions of these countries (i.e., there is a right to privacy is explicitly recognized as a constitutional right).

Second, there are countries where the right to privacy is indirectly regulated by the constitution, as well as regulations in the field of criminal law (examples are the United States). Third, many countries have enacted special regulations governing the protection of personal data, while in some countries the right to privacy is not recognized as an autonomous right (for example, in the United Kingdom and China).

Overall, legal regulations show that countries around the world take the right to privacy very seriously, but the question arises as to how to protect these rights in a world where mass surveillance systems are increasingly present.

Mass surveillance systems

With the development of modern technologies, the lines between the public and private spheres have become blurred, which has led to interference in the right to privacy of incredible proportions. Today, the world is witnessing a significant increase in mass surveillance. After the publication of the data by Edward Snowden in 2013, it became clearer to what extent such supervision goes. Moreover, Snowden's allegations caused a real shock not only to the American intelligence community but also to ordinary citizens around the world, who became aware that their activities

were under constant surveillance. Awareness of constant surveillance of people has forced states and international organizations to deal with the issue of surveillance in two ways, to justify the need for such surveillance, or to advocate the adoption of legal acts that would prohibit this type of surveillance.

At this point, it is necessary to make a distinction between surveillance and mass surveillance, given the scope of these terms. The scope of the notion of surveillance is much broader and according to Bošković it represents "the form and manner of control, supervision, keeping and taking care of something or someone, then the physical or technical activity of protection of objects of security importance, systematic monitoring and control by higher or special bodies for careful observation of one or more business entities (parliamentary oversight or civil oversight), the type of educational measure imposed for the re-education of a juvenile prone to crime, operational police measure of control over professional delinquents, a penitentiary measure of control of convicted persons on the execution of imprisonment and house arrest, operational police measure (secret surveillance)", etc. (Bošković, 2017).

In order to deal further with this issue, it is necessary to define what a system of mass surveillance is. One of the good definitions given by Privacy International is that mass surveillance is the non-selective monitoring of the population or a significant component of a group of individuals (Privacy International, 2020). The practice of mass surveillance is carried out in several ways, which include interception, collection, the transmission of data from e-mail, eavesdropping on telephone conversations, "intrusions" into computers, monitoring and collecting data via social networks, but also collecting so-called metadata (for example, time and place of sending a message or phone call). As for the entities that perform mass surveillance, it would be wrong to think that this is done exclusively by states or entities that work under the direct or indirect control of the state. Moreover, it has been noted that mass supervision can also be performed by private companies, not only on behalf of the government of the member states (on the principle of outsourcing) but also at their own discretion (Leetaru, 2019).

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It should also be noted that a number of different terms are used in connection with mass surveillance, which has been created by several international organizations and institutions around the world. Thus, the UN General Assembly uses the terms "mass digital surveillance", "online surveillance", and "bulk interception" (Office of the UN High Commissioner for Human Rights, 2014; Emmerson, 2017). The term used by the Venice Commission in its Report on Democratic Oversight of Security Services and the Report on Democratic Oversight of Signal Intelligence Agencies is also interesting, where the term "Strategic surveillance" is used (Venice Commission, 2015). In the case law of the European Court of Human Rights [ECtHR], terms such as "exploratory or generalized surveillance", "bulk interception of communications", or "strategic monitoring" are also used (Klass and Others v. Germany, 1977/1978; Weber and Saravia v. Germany, 2000/2006).

All in all, whatever terminology is used, the practice of mass surveillance and its justification are accompanied by numerous controversies and conflicting views. Proponents of mass surveillance emphasize the need to preserve national security and fight terrorism as the main argument for implementing this practice. They believe that in such cases it is necessary to deviate from the right to privacy and regulations on the protection of personal data for the sake of "higher goals". On the other hand, opponents of mass surveillance point out that this practice should not be allowed at any cost, because it would drastically violate domestic and international human rights guaranteed by domestic and international regulations (right to privacy, freedom of expression, freedom of association, right on personal integrity, the right to health) and violated the basic principles on which modern democracies are based.

The problem with the practice of mass surveillance has especially escalated after the aforementioned affair with Edward Snowden and has initiated numerous debates around the world about the legality and justification of such practices. In this regard, it has been shown that states are often reluctant to enact regulations on foreign non-targeted surveillance of communications, with the European Union noting that almost all Member States have enacted regulations on targeted surveillance, with only a few (France, Germany, the

Netherlands, Sweden and the United Kingdom) also enacted regulations on general (non-targeted) supervision of communications (European Union Agency for Fundamental Right, 2015). Also, it has been shown that countries (especially the most developed ones) rarely want to recognize the use of measures of foreign supervision of communications, given that these activities are most often carried out secretly and often without a legislative basis. The case of Edward Snowden changed that, especially in the United States, where it was admitted that the PRIZMA program was used, and the British government also used that data. This resulted in the passage of the Freedom Act in 2015, which aimed to prevent government agencies from accessing the data of American citizens without a court order. However, the mass surveillance of citizens of other countries remained unregulated. On the other hand, in the UK, under pressure from Snowden's allegations, as well as a special committee of the British Parliament, a special IPA regulation was passed in 2016, one of the most famous regulations on mass surveillance, which actually legalized the procedure of mass surveillance of domestic and foreign communications in Great Britain.

In addition to the above regulations, the activities of international organizations (especially the United Nations) and the non-governmental sector have been noted at the international level, with the aim of protecting the right to privacy in relation to mass surveillance. In this regard, Special Rapporteur Frank La Rue, in his 2013 Monitoring Report, states that "a weak regulatory environment has provided fertile ground for arbitrary and unlawful violations of the right to privacy and freedom of opinion and expression" (United Nations, 2019).

Similar allegations can be seen in the 2019 report of the UN Special Envoy, which points out, among other things, "concerns about technologies that allow the actor to gain covert access to digital communications, intellectual property, data on browsing, research, history location of both online and offline activities of individuals" (United Nations, 2019). The Special Rapporteur, Fionnuala Ní Aoláin, in her Report to the UN General Assembly in 2021, expressed concern about the procurement of new technologies (such as biometric collection technology or passenger name recording infrastructure),

considering the high risk, with wide implications for a range of basic human rights, from the right to life to the right to privacy. It took the position that "capacity building and technical assistance must go hand in hand with the existence or establishment of strong protection of human rights that are institutionally embedded in recipient countries" (United Nations, 2021). The reports of Privacy International do not sound any better (Privacy International, 2018).

The European Court of Human Rights also dealt with mass surveillance in its practice, which, in accordance with the aforementioned Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, examined whether interference by the authorities in the private life of citizens or their correspondence necessary in a democratic society and whether a balance is ensured between the interests of national security, public security or others, ie whether such conduct is in accordance with the law, having in mind the legitimate goals achieved by oversight and whether it is proportionate. In this regard, it is worth mentioning a few characteristic examples.

Thus, in the case of Liberty and Others v. the United Kingdom in 2008, the ECtHR took the view that the action of the British Ministry of Defense against two civilian NGOs from Britain and Ireland, which consisted of intercepting telephone and electronic communications, was contrary to Article 8 of the Convention. A similar position was taken in the case of Roman Zakharov v. Russia in 2016, which referred to the secret interception of mobile telephone communications. Namely, in this case, the Court took the position that the legal regulations in Russia on the mandatory installation of equipment by mobile operators, which enables security agencies to monitor, do not provide sufficient guarantees against abuses related to the interception of communications. The Court also took a negative view in the case of Szabó and Vissy v. Hungary of 2016 with regard to Hungarian legislation on surveillance in cases of suspected terrorism, as well as in the case of Centrum För Rättvisa v. Hungary. Sweden from 2021, also in connection with the interception of communications. In the latter case, the fact that the rules regarding the destruction of intercepted communication

containing personal data, or in the case of cross-border transmission of such data, were not clearly defined. On the other hand, the Court in the case of Kennedy v. The United Kingdom concluded in 2010 that there was no violation of Article 8 of the Convention, given the clearly defined procedures of British law regarding the interception of communications within the country and the lack of evidence in this regard (European Court of Human Rights, 2021).

Conclusion

Based on the above, it can be concluded that international law does not support the modern policy and practice of mass surveillance, which is especially used by the great powers, especially emphasizing the United States and Great Britain. Moreover, there is a growing effort in international law to protect human rights, in this case, the right to privacy, in the best possible way. However, one should be aware of the fact that the development of modern technologies, especially artificial intelligence and the Internet of Things (IoT), will bring with it increasing challenges, so the practice of mass surveillance could be even more harmful than before.

Of course, it cannot be automatically considered that in every situation the practice of mass surveillance is inadmissible, ie that it implies misuse of the collected data. The fact is that in today's world there is a great threat of terrorist attacks, as well as other challenges to national security. It is obvious that countries around the world are resorting to this very argument in order to justify the practice of mass surveillance. It should not be forgotten that international acts (for example, the Convention for the Protection of Human Rights and Fundamental Freedoms) allow derogations from this right when it is prescribed by law and necessary in a democratic society in the interests of national security, public safety or other grounds. Snowden's findings further contributed to efforts to reduce the practice of mass surveillance to the legal framework.

However, with all the efforts to regulate the practice of mass surveillance, it is very difficult to determine the so-called “red line” between the right to privacy as a basic human right and the practice of mass

surveillance. In other words, the key question in the time to come will be when and under what circumstances the right to privacy may be violated in the interest of national security. Taking the side of supporters or critics of the practice of mass surveillance would bring new problems, so it is best to find a "golden mean" between the opposing sides. Finding the answer to this question has long occupied the attention of not only the scientific and professional public but also political elites. At the same time, the attitudes of political elites of different countries are often sharply opposed, which is contributed to the fact that national and regional mechanisms for the protection of the right to privacy are primarily focused on the protection of their territory.

Although there have been several failed initiatives in this area (for example, two drafts of the Code of Conduct on Information Security from 2011 and 2015 by the Shanghai Cooperation Organization, a 2015 proposal from the Council of Europe on intelligence activities, or the 2018 draft UN Legal Instrument on Government and Privacy Oversight), the protection of the right to privacy in relation to mass surveillance is not yet universal. All these attempts to enact universally valid legal acts have met with fierce opposition from many states and their governments, who have pointed out that the proposed documents are unnecessary and that the existing rules of international law provide very good protection of the right to privacy and to protect against abuse in the conduct of mass surveillance practices. When it comes to the Republic of Serbia, the great attention of the scientific and professional public was caused by the draft Law on Internal Affairs from 2021, especially the part that referred to data processing systems. Given the possibility of using automatic technologies, ie parts of video and audio surveillance systems for biometric data processing, to automatically identify persons, and determine time and location, there are great concerns regarding the protection of privacy and personal data and potential abuse.

With all this in mind, the future of mass surveillance is uncertain. Possible legal restrictions of universal nature in order to protect the right to privacy do not seem feasible at the moment, due to excessive differences on this issue, especially between the great powers. A transitional solution

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(until the harmonization of universal norms regarding cyber security) would be bilateral agreements, such as the one concluded between China and the United States on cyber economic espionage in 2015, or some kind of non-binding legal norms that would build a basis for mutual trust between states, severely disrupted especially after Snowden's allegations.

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Međunarodnopravni aspekti masovnog nadzora i implikacije na privatnost

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Sažetak

Razvoj savremenih informaciono-komunikacionih tehnologija pored mnogobrojnih pozitivnih strana doneo je i izazove za ljudska prava, a posebno pravo na privatnost. U radu je izvršena analiza odnosa između prakse masovnog nadzora i prava na privatnost. Ukazano je na akutni problem zloupotreba prilikom vršenja prakse masovnog nadzora na međunarodnom planu. Izvršena je analiza postojećeg pravnog okvira na međunarodnom planu, kao i prakse evropskih institucija. Istraživanje je pokazalo da međunarodno pravo ne podržava savremenu politiku i praksu masovnog nadzora kojim se naročito služe velike sile. Utvrđeno je da države, posebno velike sile, pribegavaju argumentu da je ugrožena nacionalna bezbednost ili da postoji opasnost od terorizma, kako bi opravdale praksu masovnog nadzora. S obzirom na nepostojanje univerzalne pravne regulative kojom bi se pravo na privatnost zaštitilo od zloupotreba po osnovu prakse masovnog nadzora, rešenje je u zaključenju bilateralnih sporazuma, ili usvajanju neobavezujućih pravnih normi. U istraživanju su korišćeni normativni metod i pravno-logički metodi indukcije i dedukcije.

Ključne reči: pravo, sajber bezbednost, privatnost, masovni nadzor

Strategic Directions of Activities of the Intelligence and Security Agencies of the Western Balkans

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Abstract

The Western Balkans is geographically positioned on an important route between Asia and Europe, while the Balkan countries are mostly politically oriented towards the West, which is why it can be said that the entire Balkans has both a Euro-Atlantic and Eurasian position. As an interesting hub with a transit position, which has many advantages in terms of the flow of goods, services, people, capital and ideas, there are many threatening phenomena in the Balkans. The largest of them are organized crimes, cybercrime, terrorism, violent extremism, radicalism, sabotage, subversive activities, intelligence work and diversion. Contemporary global and regional security-political trends and dynamics of viral threatening phenomena require the specific organization of the intelligence-security sector. In addition to the imperative that the security-intelligence system has a strong normative and organizational basis, it is necessary to determine precise strategic directions, so that every activity of the security-intelligence capacities would be purposeful and goal-oriented. Strategic directions are the result of political and legal codification processes, which result from the need for continuous realization of political and security interests of the Western Balkan countries through the operation of the security and intelligence system. In order to achieve the goals defined by the strategic directions, it is necessary to permanently, continuously, coordinate and control the operation of the intelligence and security apparatus of the countries of the Western Balkans. The mentioned convergences in the basic principles do not exclude the existing divergences of the strategic orientations of the security-intelligence systems, which requires a detailed and comprehensive analysis.

Keywords: security, strategic documents, laws, strategic directions, intelligence and security agencies

Strategic Directions of Activities of the Intelligence and Security Agencies of the Western Balkans

The Western Balkans[1] represent a significant geopolitical hub of a regional character. Although it does not have a long historical background, the term has wide application in numerous international processes and events. However, it is necessary to emphasize that this is not a territorial and geographical, but a political and geopolitical concept, primarily due to opposing political and security interests and goals. In order to achieve national and security interests and goals, the countries of the Western Balkans rely to the greatest extent on their own intelligence and security agencies. As intelligence and security agencies, due to limited financial matters and organizational-personnel capacities, cannot be instrumentalized for almost all interests and goals, states must establish primarily problematic positions in the form of strategic directions.

Strategic guidelines are not original goals, given in one political or legal document. These are derivative problem orientations, which are reached by studying laws and strategic-doctrinal documents, the content of which also refers to national values and interests according to which an active attitude of security subjects is required in terms of their protection (values) and their realization (interests).

In certain historical periods and socio-political circumstances, states change their strategic directions. Thus, almost half a century of state continuity in which the intelligence and security services of the former SFRY operated, led to a significant overlap of the strategic directions of Serbia, Montenegro, Bosnia and Herzegovina and Macedonia. On the other hand, Albania, as an independent state, had specific strategic orientations adjusted to its own foreign and domestic political ambitions. Today's trend unites another group of countries whose strategic directions are formed in the same direction and in accordance with the same principles. This primarily refers to Albania,

[1] Republic of Serbia, Bosnia and Herzegovina, Montenegro, Republic of Northern Macedonia and Albania.

Montenegro and Northern Macedonia as full members of NATO and Bosnia and Herzegovina as a potential candidate for membership in the mentioned military-political international organization. On the other hand, there is Serbia, which, with the adoption of the National Assembly Resolution on the Protection of Sovereignty, Territorial Integrity and Constitutional Order in 2007, took the position of a militarily neutral country, and accepted these strategic directions only partially through the Partnership for Peace program, which Serbia joined in 2006.

Conceptual Definition and Role of Intelligence and Security Agencies

Intelligence and security agencies represent state administration institutions, with the status of a legal entity, whose "[...] activity is the most interesting and sensitive part of the state administration, with secrecy as one of its main principles of work, which is why it is necessary for security services in accordance with this nature of work to ensure respect for the principles of transparency and publicity of their work, through regulatory mechanisms of internal and external monitoring, whereby administrative activity has a special significance" (Labović, 2019, p. 106). Therefore, the role, activities and methodology of the work of intelligence and security agencies have resulted in the creation of a monopoly environment, where only the state has the right to establish such institutions, based on law. The main goal of the activities of intelligence and security agencies is to collect timely, accurate, reliable, credible, complete and purposeful information through various techniques and methods characteristic for such institutions. This information is used by political decision-makers to protect national security or to define foreign and domestic policies.

Intelligence and security agencies can be classified in different ways, according to their position in the state administration: departmental and central; according to the space of action: offensive and defensive; according to the primary mission: intelligence and security (includes counterintelligence); according to problem directions: political, military-security, economic, energy, etc. Among the mentioned divisions, the most frequently used in the scientific literature and the most represented in intelligence analyzes is the division

into intelligence and security services. Intelligence services (OS) perform intelligence, non-intelligence-subversive and counter-intelligence activities, in order to achieve national interests and to protect the vital values of society and the state, but also their own capacities. "Intelligence activity represents the total planned and controlled action of state bodies in the collection, processing and distribution of information on the power and plans of foreign countries, organizations and individuals, which may endanger the security of entities and values they protect" (Ronin, 2009, p. 13). In addition, intelligence activity is carried out in order to collect intelligence information that ensures the creation of domestic and international policy, as well as the collection of information that ensures the implementation of defined political guidelines. As for the counter-intelligence role of the intelligence services, the OS conducts protection of its capacities abroad, located in residencies. The capacities are primarily: members of the OS who conduct intelligence activities, agency network through which information is obtained, information and telecommunication channels through which data are distributed to headquarters, methodology and techniques of work abroad and secret and sensitive data obtained in the work. "Non-intelligence operations can generally be divided into four groups: a) information and propaganda operations; b) political operations; c) economic operations and d) paramilitary operations. Each of these operations can be performed autonomously or as part of a broader strategy" (Trbojević, 2017, p. 327).

The Security Service is "a state body established on the basis of law, which monitors the activities of foreign intelligence services and their agencies on the territory of their state, monitors social phenomena and processes that pose or may pose a threat to legally sanctioned (securitized) values of the state and society, analysis of data on all processes and phenomena that may represent a danger to state and social values and reporting to the responsible state authorities on their orders" (Dragišić, 2011, p. 207)

Therefore, the goal of intelligence and security agencies is to collect timely, accurate, reliable, credible, complete and purposeful information (Bjelajac, 2017, p. 17) through various techniques and methods characteristic of services, in order to protect vital values and realize the national interests.

Theory of Strategic Directions

The strategy of the state can be defined as a set of statements in the form of rules, principles and norms, which are used in the adoption of long-term management actions in the function of development and protection of national and state values (Kovač, 2003, p. 16). It is a permanent, systematic effort of the theoretical and practical mind to make sense of the life of a state-organized national community as a whole (Višnjić, 2011, p. 401). The strategy consists of practical action based on the general programmatic position on the directions of development and survival of society, which determines the highest goods, values, interests and goals, taking into account intrastate and interstate relations, ways of building political, economic and military power and directing national resources. (Kovač, 2003, pp. 9-10). Modern practice indicates that strategies are translated into appropriate documents, which means that most of today's strategies are codified. Strategies are general political-program determinations of a long-term character, set in the form of norms, rules and principles by the holders of legislative and sometimes executive power, which are implemented through the actions of the state administrative apparatus. The change of a specific set of authorities doesn't affect it, it continues with the beginning of the realization of the ideas of national prosperity, which were once nurtured for years and even centuries (Mijalkovic, 2015, pp. 231-232).

However, strategies are not the only source of strategic directions, because they are largely contained in national laws, but also in constitutions. The most important is the lex specialis founding laws on individual agencies, which regulate in detail, among other things, the competencies, organization and field of work, where these laws are important sources of the strategic direction of intelligence and security agencies. Also, there are certain laws that regulate certain areas and branches, and contain important norms, with the character of strategic orientation.

Viewed from the security aspect, the strategic orientations are based on positive legal and strategic-political documents. Looking at the intelligence and security system in isolation, we see that the strategic directions

are related to the achievement of strategic goals and the collection of strategic data. Strategic data would be those that speak of far-reaching political, military and economic problems, as opposed to tactical data that serve to solve specific, urgent and everyday problems within the scope of an institution (Milašinović, 2007, p. 467).

Strategic orientations are long-term, the most general security-political orientation, as an expression of the perception of the holder of state power about threats to the security of society and the state from which it is necessary to protect oneself. Intelligence and security agencies have clearly defined roles in the implementation of strategic directions, and they are concretized by certain bylaws and individual political documents. Strategic directions are intertwined. The realization of one strategic direction influences the realization of other, related strategic directions. What is legal in defining strategic directions is that they must not be mutually exclusive and confronted. Strategic orientations can be general and specific. General strategic orientations are derived from the basic values and interests of society and are realized indirectly, through the actions of security entities. Specific strategic directions are derived on the basis of the analysis of problem points of view, which in everyday work the elements of the national security system permanently solve.

Strategic directions of the activities

Republic of Serbia

The executive segment of the intelligence and security system of the Republic of Serbia consists of three intelligence and security agencies: the Security and Information Agency (BIA), the Military Intelligence Agency (VOA) and the Military Security Agency (VBA).

The general strategic directions of the agencies' activities concern their contribution to preserving sovereignty, independence and territorial integrity; preserving internal stability and security; preserving the existence and protection of the Serbian people; preserving peace and stability in the region and the world; creating information support in the process of

European integration and membership in the European Union; creating conditions for economic development and overall prosperity in preserving and protecting the environment and resources.

The primary individual strategic direction is set in the form of a constitutional obligation. Namely, the Constitutional Preamble states that the Autonomous Province of Kosovo and Metohija is an integral part of the territory of Serbia with the position of essential autonomy within the sovereign territory of Serbia. In addition, the obligation of all state bodies, and thus intelligence and security agencies to represent and protect comprehensive state interests in Kosovo and Metohija (Narodna skupština Republike Srbije, 2006, Preamble) is defined. A large number of organized criminal groups operate in Kosovo and Metohija which are connected with other criminal groups in the area of central Serbia and beyond, while parts of illegally acquired funds are used in the financing of terrorism (Vlada Republike Srbije, 2009, Art. 7). Also, a large number of foreign intelligence services operate in Kosovo and Metohija. At the same time, the security of the Republic of Serbia is threatened by the transformation of the "Kosovo Security Forces" into the "Kosovo Armed Forces" (Narodna skupština Republike Srbije, 2019, Art. 6). The situation in Kosovo and Metohija also encourage separatist aspirations in certain territories of Serbia, especially in the Raska-Polim area.

Intelligence activity, as a specific strategic direction, is determined within the scope of work of BIA. In general, the intelligence work of BIA is aimed at protecting national security and providing information support for the realization of national interests, primarily through reviewing future activities of countries in the region, and its intelligence capacity is focused on gathering intelligence on the activities of international organizations regarding political, economic, security, even energy aspect and future particular goals on the international scene, which are important for the protection of values and the realization of the interests of the Republic of Serbia. The VOA is responsible for conducting intelligence activities, ie for collecting, processing, analyzing, assessing, protecting and submitting data of importance to the Ministry of Defense (MoD) and the Serbian Army (SAF).

The BIA and the VBA are among the institutional bearers of the fight against organized crime, which is a condition for a positive integration process of Serbia into the EU (Vlada, 2009, Art. 13). Fight against organized crime, when it comes to the purview of BIA, implies monitoring, documenting and preventing transnational forms of organized crime. Cooperation and criminal integration of organized criminal groups from the territory of Serbia with those from Montenegro, Bosnia and Herzegovina, Romania, Croatia, Northern Macedonia, Bulgaria and Albania (Vlada, 2009, Art. 8) is most intensively monitored. VBA preventively opposes organized crime and corruption within the MoD and the Armed Forces. A special aspect of the work of the VBA and BIA concerns the monitoring of organized criminal groups and their possible cooperation with other threatening forms, such as the connection of organized criminal groups from southern Serbia with terrorists and extremists in Kosovo and Metohija (Narodna skupština, 2019, Art. 9).

BIA and VBA, among the components of the security and intelligence system of Serbia, have the most important role in the fight against terrorism and extremism. The specifics of terrorism, as a threat to the Republic of Serbia, are reflected in its connection with ethnic extremism, separatist tendencies, religious extremism (especially Islamist), the activities of radical religious preachers and the return of fighters from foreign battlefields to Serbia (Vlada Republike Srbije, 2017–2021, Art. 6).

An important segment of the work of the VBA and BIA is to oppose foreign intelligence services. The VBA conducts counter-intelligence activities in the field of protection of the systems and forces of the MoD and the Armed Forces and classified information relevant to the work and security of the MoD and the Armed Forces. The BIA prevents intelligence activities of foreign services in terms of obtaining classified information of public administration organizations, as well as its own data (Narodna skupština, 2019, Art. 13). In addition, the BIA and VBA's role in the creation and implementation of state policy, as well as the facilities they use in their work.

BIA, VOA and VBA protect the data they come across in their work, and the disclosure of which would violate the interests and security of the Republic of Serbia. Also, the VBA and BIA, in accordance with legal regulations,

perform security checks in the procedure of issuing certificates to persons for access to classified information (Narodna skupština Republike Srbije, 2009, Art. 54), thus reducing the possibility of certificate holders to be data providers to unauthorized beneficiaries.

Republic of Montenegro

The executive part of the intelligence and security sector consists of the National Security Agency (ANB) and the Intelligence and Security Directorate (OBD).

The general strategic orientations are the result of modern security-political circumstances and international integration processes of Montenegro, which follows NATO's strategic approach to defining challenges, risks and threats to national security (Skupština Crne Gore, 2018, Art. 7). Up in the general strategic field, it provides information support for European integration and protects: 1) the values and principles of NATO and the EU; 2) sovereignty, territorial integrity and independence of Montenegro; 3) internal stability; 4) life and property of citizens; 5) economic goods; 6) democracy, principles of the legal state and the rule of law; 7) human and minority rights and freedoms. Also, the intelligence and security system participates in the realization of the strategic interests of Montenegro, as the most important direction in the field of national security (Skupština, 2018, Art. 3-5).

The ANB and OBD collect, process, exchange, store and protect intelligence on the intentions and efforts of international organizations, military alliances, states, paramilitary organizations and groups to directly conduct, i.e., finance, advise or train the bearers of armed aggression against Montenegro. OBD implements intelligence activities abroad for the needs of the MoD and the Army of Montenegro (VCG), by collecting, processing and analyzing data on the armed forces and defence systems of other countries, political and security situations in the area where persons from the MoD and VCG are engaged within international operations abroad. In addition, OBD counter intelligence protects persons, facilities, property, assets and activities of the MoD and VCG abroad, plans, organizes, coordinates and implements intelligence in the Army, develops and applies military intelligence doctrines, tactics,

techniques and procedures, collects military intelligence, prepares intelligence materials and submits them to the holders of state power (Skupština Crne Gore, 2020, Art. 5-7).

The vision of the fight against terrorism, which also applies to the institutions of the intelligence and security system of Montenegro, takes place through five areas: prevention of terrorism, suppression of terrorism, protection against terrorism, repair of damage from terrorist attacks and prosecution and prosecution of terrorism-related entities. (Vlada Crne Gore, 2015, Art. 14).

Within the scope of its work, the ANB detects and suppresses international organized crime, ie by applying special measures and procedures it monitors, investigates and documents the most socially destructive forms of crime, except when these acts are committed by members of the MoD or VCG, where the military service has jurisdiction. (Skupština, 2020, Art. 5).

Although information technologies contribute to the quality of life and progress of the industry, there is a constant continuity of development and improvement of cyber threats, which is why both agencies are constantly adapting to these threatening phenomena. The Agency is continuously working intensively on strengthening organizational and technical capacities in the field of cyber security. The greatest danger reigns from cyberattacks on other countries, cyber terrorism, cybercrime, and cyber warfare (Vlada Crne Gore, 2018, Art. 9-10). OBD protects the information systems of the MoD and VCG and the sectors of the purpose-built industry from unauthorized intrusion, interruption of communication, theft and deco inspiration of information.

The ANB performs counter-intelligence protection of the Assembly, the Government, the President, ministries, administrative bodies, certain persons and jobs in these bodies, as well as facilities, equipment and premises they use (Skupština Crne Gore, 2015, Art. 6), and OBD performs counter-intelligence protection of facilities of particular importance to the defence.

Bosnia and Herzegovina (BiH)

The executive segment of the BiH security and intelligence system

includes the Intelligence and Security Agency (OSA), the State Investigation and Protection Agency (SIPA) and the security and intelligence institutions of the Armed Forces (OS) and the Ministry of Defense (MoD).

Intelligence activities in the military field are performed by the Military Intelligence Unit (VOR) (Parlamentarna skupština BiH, 2005, Art. 9), and in the civilian field OSA (Parlamentarna skupština BiH, 2009, Article 5).

The VOR provides protection against the activities of intelligence services both independently and in cooperation with the OSA, when certain problems are valorized as extremely complex, and must be resolved by coordination of the two services. OSA prevents espionage and intelligence activities that are directed against the security of BiH and is realized through intelligence penetrations of foreign services into vital state and public institutions. Furthermore, the OSA opposes a wide range of forms of terrorism, while the VOR and other military services within the Intelligence system protect anti-terrorist forces and defence sector systems. The fight against terrorism as a strategic direction includes the fight against all forms of terrorist and extremist activities.

The fight against organized crime in the field of action of all BiH services. The VOR prevents organized crime that is trying to penetrate or be realized within the Armed Forces, while SIPA conducts the fight against organized crime mainly on a repressive level and OSA on a preventive level.

The BiH intelligence and security system has an obligation to keep secret data. Isolated, the VOR: provides support to BiH Armed Forces missions, prepares and directly participates in peace support operations, conducts security checks for members of BiH defence institutions, cooperates with NATO structures, cooperates with complementary foreign and domestic services and institutions on intelligence, counterintelligence and security and anti-terrorist protection of the elements of the defence system. OSA BiH, within its competence, protects its own information and telecommunication capacities from cyber attacks. The competent organizational units of OSA provide security protection against cyber attacks to the most important state and public authorities, whose services are crucial for the conduct of vital state activities.

Republic of Albania

The operational segment of the Albanian Intelligence and Security System consists of the State Intelligence Service (SHISH) and the Defense Intelligence and Security Agency (AISM).

The strategy makes a clear distinction between national interests and security goals, ie it is clear what is meant by one and what by the other. Albania sees its vital national interests in exercising sovereignty, preserving the country's independence and territorial integrity, protecting the constitutional order, protecting the lives of citizens and fundamental rights and freedoms, economic development and protecting property and ownership. In addition to vital interests, other interests emerge EU integration processes, development of bilateral relations with neighbouring countries and partners, solving social problems, environmental protection, etc. (Cvetković & Stojković 2014, pp. 253-254).

In the strategic and security orientations of Albania, the backbone is the fight against "risks and threats to security", while other activities of the intelligence and security system include non-intelligence activities.

Based on the defined concretization, AISM collects, processes, evaluates and analyzes intelligence for the needs of the MoD and the Armed Forces (AF) of Albania, which relate to defence systems, foreign organizations and entities that could be a threat or risk to Albania's defence potential. The Agency exchanges intelligence ie cooperates and conducts joint operations with the intelligence structures of NATO, the EU and partner institutions in the interest of collective defence. The Defense Agency collects intelligence abroad, and it relates to terrorism, extremism, espionage, sabotage, diversion, subversion, smuggling of weapons of mass destruction, cyber threats and organized crime (Skupština Republike Albanije, 2014, Art. 7).

In addition, AISM monitors the distribution of weapons of mass destruction, which is a direct threat not only to internal and regional but also to global security. Albania is not seen as a destination, but as a possible transit country (Skupština Republike Albanije, 2015, Art. 15), which stems both from the geographical position of the country and from the root links of the state authorities with the organized criminal groups, taking

into account that they work closely with criminal organizations globally. Although the strategic framework does not provide for this, the threat of a link between the organized criminal groups and terrorism still exists, especially if we take into account the fact that organized criminal groups actively participated in financing terrorist activities in AP Kosovo and Metohija, southern Serbia and northern Macedonia.

The strengthening of the Islamic State in Albania and mass Islamist recruiting internationalism has taken several hundred Albanian terrorists to foreign battlefields. According to the Counter-Terrorism Strategy, AISM and SHISH have a key role to play in combating all extremist and terrorist forms.

The primary counter-intelligence part of the strategic directions includes monitoring the work and intentions of foreign intelligence services in relation to the NATO alliance and the European integration processes of Albania. The Great Albania ideal as a national symbol of all Albanians is systematically planned and implemented by the mother country, with significant diplomatic efforts to gain an affirmative stance necessary for the international community to meet Albania's irredentist goal. Therefore, "in order to avoid negative psychological effects when mentioning "Great Albania", that term has been replaced by the term "Natural Albania", which is basically based on the same idea of uniting all areas inhabited by Albanians" (Konotar, 2012, p. 39) and has the full support of the United States.

Republic of Northern Macedonia

The intelligence and security agencies of Northern Macedonia are the National Security Agency (ANB), the Intelligence Agency (OA) and the Military Security and Intelligence Service (VSBiR).

The general strategic directions include: protection of fundamental freedoms and human and civil rights, fight against discrimination on any grounds, protection of property, freedom of the market and entrepreneurship, protection of humanity, social justice and solidarity, environmental protection, guaranteeing, promoting and protecting local self-government, preservation of state identity and freedom of expression of ethnicity, protection of territorial integrity and sovereignty, protection of peace, security, life, health, property and personal

security, protection of economic development and private property, protection of democratic values of rule of law, economic and political integration into EU, preserving peace in Europe and the region, protecting the international order, protecting internal political stability, creating conditions for promoting a security culture, creating conditions for building favorable interethnic relations (Skupština Republike Severne Makedonije, 2003, Art. 1–3).

The special strategic directions of the security-intelligence system of the Republic of Northern Macedonia are based on the fight against "security risks and dangers", which in fact represent the agenda of security-threatening phenomena.

Although there is no danger of conventional war, nor of military intervention from outside, geopolitical circumstances of a global and regional character can lead to moments of crisis and conflict. An important role in this segment is played by the VSBiR, as a purposefully formed institution with the task of taking care of the security of the armed and defence forces of RS Macedonia. Intelligence activities at the civil level are performed by the OA, which is responsible for collecting information on regional security-strategic phenomena and processes; internal and international conflicts in the region; distribution of weapons of mass destruction; terrorism and violent extremism; transnational organized crime, illegal migration and cybercrime; current processes and developments related to energy security; global pandemics and their potential reflections on national security (Skupština Republike Severne Makedonije, 2021, Art. 3-4). At the military level, information is collected on activities, intentions and plans of military-political, economic, political and other international organizations of intelligence importance for the MoD and the Army of RS Macedonia, as well as on activities, intentions and plans of foreign countries, international institutions, informal groups and organization, which can emit negative implications for the MoD and the Army of RS Macedonia.

The ANB opposes the counterintelligence activities of foreign intelligence services, ie their efforts to endanger the security of RS Macedonia through espionage, subversion, psychological and propaganda actions, information warfare, incitement of diversion, incitement of separatism and secessionism,

violation of economic interests and financial security of the state. As part of its counterintelligence activities, the ANB conducts checks on persons who have access to information, facilities and persons of strategic importance to the state, in order to prevent illegal and unauthorized access to information and lines of communication. At the same time, the ANB plans, implements and supervises measures for the technical protection of facilities and persons (Skupština Republike Severne Makedonije, 2019, Art. 8).

Intelligence and security agencies of Northern Macedonia are oriented towards all external and internal forms of violent extremism and terrorism, whether they are returnees from foreign battlefields or extremists and terrorists who are a consequence of internal social contradictions and antagonisms. Furthermore, Intelligence and security agencies have the task of preventing human trafficking, illegal migration and related forms of crime such as forced labour, slavery, human trafficking and other forms of human exploitation. Prevention of trafficking in human beings is the primary goal of Intelligence and security agencies in this area, while the National Strategy and Action Plan for Combating Trafficking in Human Beings and Illegal Migration in the Republic of Macedonia envisages concrete measures and procedures to detect human trafficking chains, as well as assistance to victims of trafficking.

Security protection as a strategic direction has been diversified into the military and civilian domains. In the military domain, SVBiR organizes, plans, coordinates and implements secret measures, activities and procedures for the security protection of forces in military units and institutions. In the civilian domain, the ANB provides security and counterintelligence protection to holders of high state functions (Prime Minister, President of the Assembly, President of the Republic, etc.) and facilities of strategic importance to the state (Skupština, 2003, Art. 6).

Conclusion

The adoption of legal and strategic-political documents, from which strategic directions are derived, was influenced by the will of the holder of state

and political power, as well as ratified international acts as an expression of the collective will of the international community.

The vital values of the countries of the Western Balkans, from which the general strategic directions are derived, and whose fulfilment depends on the successful realization of individual strategic directions, have certain coincidences, ie certain peculiarities. In doing so, the convergence of crucial strategic orientations of the Western Balkan countries can be systematized into groups related to 1. protection of territorial integrity, sovereignty and independence, 2. preservation of the constitutional order, democratic political system and rule of law, 3. guarantee and protection of human rights and freedom, 4. preservation of national and regional peace and security, 5. creation of conditions for unhindered economic development, 6. protection of energy and environmental security, 7. survival of the state, society and nation, 8. preservation of national identity and dignity, 9. European integration is the most important foreign policy goal.

There are divergent general strategic directions, as a result of the foreign policy orientation of the countries. Thus, among the general orientations of Albania, Montenegro and Macedonia are 1. protection of values, principles and standards of NATO, 2. deepening and intensification of cooperation with NATO organizations and institutions, 3. Protection of security of the North Atlantic Alliance, as well as its subjects and potentials, 4. Representation and realization of political and military-security interests and intentions of NATO. Bosnia and Herzegovina is still not a member of the North Atlantic Alliance, due to the opposition of the Republika Srpska, which is strategically oriented toward the other entity – the Federation of BiH. On the other hand, in terms of international military-political directions, the basic strategic commitment of Serbia is to preserve the status of military neutrality. What is common is that the countries of the Western Balkans strive to protect themselves through the activities of intelligence and security agencies from 1. espionage and other forms of intelligence work, 2. subversive, hybrid and other non-intelligence operations, 3. armed attack, armed rebellion, military intervention or special war, 4. organized crime and serious forms of crime, 5. radicalism, violent extremism and terrorism, 6. cybercrime and other forms

of (mis) use of computer and IT technologies for threatening purposes, 7. subversive activities supported from outside. This will be much easier and more efficient when the countries of the Western Balkans become full members of the European Union, because then there will be a change in the political and security course, and interstate cooperation in this field will intensify.

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Strateški pravci delovanja obaveštajno-bezbednosnih agencija država Zapadnog Balkana

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Sažetak

Zemlje Zapadnog Balkana deo su istog međunarodnog integrativnog procesa sa jedne strane i deo istog geopolitičkog i geointeresnog previranja sa druge. Pored toga, Zapadni Balkan je geografski pozicioniran na važnoj ruti između Azije i Evrope, dok su balkanske zemlje većinom politički orijentisane ka Zapadu, zbog čega se može reći da čitav Balkan ima kako evroatlanski, tako i evroazijski položaj. Kao interesno čvorište sa tranzitnim položajem (koje ima mnogih prednosti u vidu protoka roba, usluga, ljudi, kapitala i ideja), na Balkanu su prisutne mnoge ugrožavajuće pojave među kojima su najveće: organizovani kriminal u svim pojavnim oblicima (belo roblje, krijumčarenje migranata, oružje, narkotici), teški kriminalitet, sajber kriminal, terorizam, nasilni ekstremizam, radikalizam, subverzija, sabotaža, prevratničke aktivnosti, obaveštajni rad i diverzija. Savremeni globalni i regionalni bezbednosno-politički tokovi i dinamika viralnih ugrožavajućih pojava zahtevaju specifično organizovanje obaveštajno-bezbednosnog sektora. Uz imperativ da bezbednosno-obaveštajni sistem ima snažne normativne i organizacione osnove, neophodna je odrediti i precizne strateške pravce, kako bi svaka aktivnost bezbednosno-obaveštajnih kapaciteta bila svrsishodna i ciljno orijentisana.

Strateški pravci rezulatat su političko-pravnih kodifikacionih procesa, a koji proističu iz potrebe kontinuiranog ostvarivanja političkih i bezbednosnih intresa zemalja Zapadnog Balkana kroz delovanje bezbednosno-obaveštajnog sistema. Kako bi se ostvarili ciljevi definisani strateškim pravcima neophodno je permanentno, neprekidno, koordinisano i kontrolisano delovanje obaveštajno-bezbednosnog aparata zemalja Zapadnog Balkana. Pomenute konvergencije u osnovnim načelima, ne isključuju postojeće divergencije strateških pravaca bezbednosno-obaveštajnih sistema, što zahteva detaljnu i sveobuhvatnu analizu.

Ključne reči: bezbednost, strateška dokumenta, zakoni, strateški pravci, obaveštajno-bezbednosne agencije

The Social Contract Theory of Jean-Jacques Rousseau

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Abstract

The paper presents Jean-Jacques Rousseau's social contract theory within the context of the period in which it was created, and also in relation to the previous, modern contract theories. The authors indicate the complexity and interconnection between the general will and sovereignty, which Rousseau saw as the basis of the contract which caused the exit from the natural state and the foundation of the political body based on civil liberty. Unlike his predecessors, Rousseau viewed the contract, as well as the republic, in a rather ethical context than a legal one, so he understood the political community as the creation which was founded on the morale of its citizens and integrated due to the civic virtue. Such an idea further led the author towards the consideration of education within the spirit of civil religion, which he saw as the moral base of a unique and undivided nation, in which all the individual and particular interests were declared as hostile and destructive elements of the social body. The collectivistic energy of Rousseau's theory would soon become the main source of inspiration to the Jacobins and the revolutionary terror in France after the Revolution.

Keywords: Rousseau, social contract, the state of nature, the general will, sovereignty

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The Social Contract Theory of Jean-Jacques Rousseau

Certain authors believe that all that is considered modern within social thought started with the theories of the social contract, and culminated with the Enlightenment (Milosavljević, 2008). If we agree with such a claim, we can say that Rousseau is one of the most important thinkers of the modern epoch. However, this author is very different from his predecessors, both the founders of natural law and social contract theories, and the Enlightenment founders. Unlike the modern contractualists, Rousseau's understanding of the social contract was not based on the Constitution as the legal foundation of the state order, but it was more ethical in nature and was based on the moral homogeneity of the general will (Molnar, 2012, p. 12). Similarly, although he was close to the Enlightenment because he lived at that time, Rousseau also expressed resentment towards it. While, on the one hand, he wanted to be integrated into the Enlightenment circles of Paris, on the other, he never adapted himself to such ambience (Đurić, 2010, p. 314; Molnar, 2012, p. 8). His criticism of the Enlightenment was reflected in his own belief that it introduced scepticism into a society that disintegrated the love for one's homeland, and the opposition towards this movement was first expressed by Rousseau in his work "Discourse on the Arts and Sciences" (1750).[1]

Instead of an unconditional affirmation of reason by the Enlightenment, Rousseau's view of human nature, state and society were closer to Romanticism. Such sentiment culminated in his idealistic view of Geneva, which he considered the achievement of the positive transition from the natural into the government state, without the temptation of corrupting humans, which was an inevitable part elsewhere. Rousseau's Romantic wandering, imagination, and (republican) fantasy, which were interwoven into his political philosophy, were influenced by the invention of the novel as a form of literary work, which had been his passion since childhood (Molnar, 2013). Besides enjoying novels, Rousseau also had a tendency to wander through nature outside the city walls, which resulted

[1] Despite the criticism he directed at the Enlightenment, Rousseau deeply inspired one of the greatest philosophers of the Enlightenment, Immanuel Kant (See Cvejić, 2012).

in the intellectual shaping of Rousseau as a Romanticist. Having been more and more convinced that all evils originated from civilisation, he believed that it was necessary to find again the lost golden age and think about the possibility of building a Republic on Romantic ideals. This attitude of Rousseau was integrated into his social thought and understanding of the state of nature, social contract, general will, sovereignty and state, which represents the subject of this paper.

The Modern Contractualism

The theories of the natural law and social contract have a long tradition, which goes all the way back to the Classical period, that is, to the teachings of the sophists and Epicurus. However, the social ambience of the modern era would be beneficial for their blooming, when more radical questioning of the sense of state, sovereignty, political authority, and human nature started. It was during the 16th century that Bodin, monarchomachs, Althusius and Grotius explained the idea of sovereignty and the contractual relationship as the model of creating a government, thus establishing the grounds for the flourishing of contract theories in the 17th and 18th centuries. As it was claimed by Neumann, the dialectics of freedom and coercion were one of the greatest dilemmas of modern political philosophy: "The history of political thought in the modern era is the history of that attempt to find justifications for both the power and the rights, as well as for the law and the pressure. There is no political theory in which both would not be tried" (Neumann, 1974, p. 176).

The social framework of the creation of the social contract as a socio-philosophical concept lies in the modern-era ambience of the European West, the rise of trade and economic life, where numerous relations started to be regulated by contracts more than before (Milosavljević, 2008, p. 78). However, it should also be stressed that the social contract as a concept of the creation of the state was already present with Independents, protestant believers with the expressed antiauthoritarian attitude who explained the foundation of the Church by the contract.[2] Nevertheless, it could be said

[2] Independents are a group of different Protestant sects founded in the 17th century in England

that numerous tumultuous events at the beginning of the modern era influenced social contract theories (the Renaissance, Protestantism, revolutions) in the same way as the teachings by Hobbes, Locke and Rousseau transitioned into an entire ideology that played a part in socio-political turmoil in the countries of modern Europe and the shaping of their statehood.

In general, it could be said that the aim of the theories of natural law and social contract was to explain the creation of the state and to justify political authority, based on the interests of those who made the contract and their acceptance which was grounded in the sphere of rationality. Each of the authors who advocated contractual understanding of the state had a different view of human nature and the state of nature, but also the limits of political authority over an individual. However, regardless of the differences among authors, contractualism as a theoretical approach had an important emancipating role, both explanatory and regulatory, thus understanding the legitimacy of the state as an expression of a contractual act of people, instead of referring to the divine origin of the government (Stevanović, 2008, p. 16).

One of the most influential thinkers of the social contract theories is Thomas Hobbes. His view on human nature was such that he believed that a human being was essentially neither good nor bad; what made him/her such as the circumstances in which he/she lived. Therefore, through the descriptions of interpersonal relations in the state of nature in "Leviathan", we encountered certain anthropological pessimism: when there was no coercion nor supreme authority, an individual was an egoistic being willing to jeopardise others for his/her own interest (material gain, fame, honour, reputation). A spontaneous consensus on the key questions regarding a shared life in the state of nature was impossible, nor was it possible to establish a concept of justice. A man is a wolf to another man, and the state

which fought for democratization of the Church and the state. They believed that the Church was created by the contract of the believers who founded it with a clear conscience, but, according to their understanding, the state is a product of the contract of free citizens, who founded that political body according to the principle of freedom of reason (Molnar, 2001).

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of nature was the state of constant war or danger (fear) of war and permanent insecurity regarding survival resulting in a rational decision on joining a political community whose main goal would be to provide security. In summary, the passion which drove a human to make a reasonable decision to enter a political society was fear.[3] A willful renunciation of a part of one's own freedom, according to Hobbes, was a matter of acceptance based on an individual's rational decision on the long-term interest and was justified by security which was possible only if there was a supreme authority – a sovereign (Hobs, 1991, p. 175). The power of a sovereign in Hobbes' *Leviathan* was almost absolute and the subjects had a small amount of freedom.

Although John Locke also realised the inconveniences of the state of nature, which originated from human nature, he, however, did not claim that humans were prevailingly egoistic or non-solidary in a pre-political state. On the contrary, Locke stated that *the law of reason* led people to cooperate and respect the moral rules of life, and therefore, anyone who made an offence was the subject of a punishment proportional to the offence. However, despite that, Locke realised that the state of nature abounds in numerous problems which stem from human nature and which, first of all, refer to self-will and bias, especially regarding punishments for offences. Such inconsistencies could be overcome only through a social contract which could be used to establish a just political order whose authority could resolve civil disputes objectively and without bias and guarantee the respect of natural rights: the security of life, freedom and property (Lok, 1978, p. 51). Unlike Hobbes' theory in which the contract could not be broken because everyone signed it with everyone else, in Locke's theory of social contract, the rebellion against the tyrannical government did not cause the breakdown of the society and due to this, the government could be changed if it did not guarantee the preservation of the aforementioned natural rights.

[3] Hobbes' understanding of fear is close to scholastic tradition, according to which fear is seen more as a consideration and activity of reason than an expression of emotion. Understood in this way, fear has a positive role, and it is a source of driving activity with the aim of foreseeing and overcoming forthcoming misfortune (Molnar, 2001, p. 190).

All in all, after Hobbes and Locke laid in a most consistent manner the foundations for the social contract theory in the 17th century, Rousseau made it prominent again a century later, within the ambience of the Enlightenment, which was not, in general, very favourable towards these theories. His view on human nature, and accordingly on the state of nature as well, was very different from the modern contractualism view, the same way as his idea of the state was based on the critique of rationalism, intertwined with the spirit of Romanticism and the faith in a civil virtue which he considered a moral pillar of the Republic. Also, Rousseau's conceptual framework will be less sharp and precise in some sense, but as Đurić claims, Rousseau's prowess is not in the logical rigour of his thought, but in the inspiration and sincerity of his words (Đurić 2010, 313).

Contractual Nature of the State as a Moral Political Body

The myth of a good indigenous individual or a noble savage in the form of a social thought occurred during the Renaissance, due to the geographic discoveries and the discovery of the New World. The descriptions of Christopher Columbus spoke idyllically about the kindness and naivety of the population in newly found territories: they were timid, beautiful and childish, but hospitable and they lived in communities that were founded on the grounds of equality, without private property. This newly discovered "earthly paradise" quickly gained a theological and prophetical framework of interpretation, in which the New World was a Promised Land from the Old Testament, which announced the end of the world (Servije, 2005, p. 117). Rousseau adopted the myth of the noble savage, but in his interpretation, it was devoid of utopian imagination, as well as theological argumentation and biblical prophecies, and it was going to be used for the construction of a more complex Republican politically philosophical theory.

In Rousseau's moral psychology, an individual, by nature, was not a being who was determined by morality as such, but by biological predispositions which were included in the instinct for self-sustainability and compassion (Bertram, 2020). In his works "On the origin and bases of inequality among mankind" (1755) and "The Social Contract" (1762), Rousseau commenced

with the description of the state of nature and claimed that in the state of nature an individual (a savage) was born free and equal,[4] thus satisfying his/her modest needs. He/she lived in a state of happy ignorance. By nature, he/she was neither good nor bad, without vices but also without virtues. A savage had no idea of the good, which did not necessarily mean that he/she was mean (Ruso, 1993a, pp. 152–153). What distracted him/her from evil was not the mind and the law, but the lack of knowledge on vices. Life was mostly solitary, and cooperation relations were entered into as needed, and then the "natural" people were ruled by the principle of solidarity. However, with the increase of population, the needs became more complex, and they could not be satisfied by one's own efforts only; therefore, individuals were oriented toward each other in order to satisfy them until the first communities were formed in the form of settlements (Ruso, 1993b, p. 147). At the same time, that was the key moment of the first larger transformation of people, which led them towards negative passions, such as competition and greed, and then the occurrence of private property, which became the source of evil (Bertram, 2020).

Rousseau described this as the overcoming of reason within the soul when an individual exits the state of „innocence". The final result of such a process was the creation of the state through the social contract, as the act based on reason. A civilised individual was egoistic and suppressed the relations of social solidarity and mercy which were characteristic of the "natural" human being; therefore, life in civilisation and political society was imbued with exploitation, both economic and political. However, Rousseau did not have illusions about the return to the state of nature because he considered such a process impossible; however, he tried to find the equation of social life according to which life under the government would manage to incite solidarity and compassion in citizens, instead of greed.[5] He found

[4] Inequalities stem from nature and people differ according to physical strength, age, health quality, and intellectual capabilities (Ruso, 1993b, p. 137).
[5] Rousseau describes the fall of man, what man has become while civilizing himself, but does not giving up on the elaboration of the idea of what man could have become and wrote about it in

the solution for breaking the chains of civilised life in a romanticised representation of a republic in which the citizens were full of love towards their nation and homeland, instead of love towards themselves and egoistic interests. The civic ethos was the connective tissue of Rousseau's nation, in which the suppression of egoism established the principle of collective self-sustainability of the state-nation (Molnar, 2002, p. 20). Therefore, through theoretical postulates, Rousseau's republic managed to bring back mankind into the sphere of feelings and affective relationships which together merged into love towards the nation, without returning to the original state of nature. Considering Rousseau's idea, Mihailo Đurić claims that the author went even further than Plato in his quest to unite politics with ethics, i.e., to enable the sphere of politics with moral duty.

However, in order to get to the republic postulated on the principles of civic virtue, Rousseau turned towards the theoretical construction of the social contract (as an act of abandoning the natural state and entering something that he called the political body) and the attempt at legitimisation which was drawn from the general will and civil liberty. Like other contractualists, Rousseau also theorised that the social contract was an act of breaking up with the state of nature which is reflected in giving up "natural" freedom for protection. It was signed among the members of the society, thus bringing into the community their personalities and strength, guided by the general will. More precisely, the social contract was an act of reason through which free people, in order to protect themselves and their goods, created a moral collective body, thus giving up their natural freedom and submitting to the general will. This led to the form of community "which would defend and protect with all of its strength the personalities and goods of each member of the society, and through which everyone, connected with everyone else, would still listen only to themselves, and thus remain as free as they had been before" (Ruso, 1993a, pp. 35-36).

The overcoming of the contradiction that individuals gave up their

The Social Contract" (Filonenko, 1993, p. 868).

freedom is reflected in the fact that, since everyone invested all of their personality and all of their power, it did not transfer onto someone else, but remained for everybody. Therefore, according to Rousseau, it was not until we gave up natural freedom that we became free.[6] It was understood, of course, that this was a new and different form of freedom, which could not have existed before the contract, and that was a civil, or as Rousseau named it, moral freedom: "In order not to be wrong in these considerations, we should make a good distinction between natural freedom, which is limited only by the strengths of individuals, and civil liberty, which is limited by the general will…the aforementioned could be supplemented with moral freedom, as another gain from the state of being a citizen, the only one which makes an individual his/her own true master" (Ruso, 1993a, p. 39). Rousseau also pointed out that a contract that would imply absolute authority and submission without limits was not possible (Ruso, 1993a, p. 32) because that would contradict the nature of humans and would imply giving up one's freedom.

Having given up everything and *having gained everything*, a unique moral and collective body was created: "A common I (which) has its own life and will" (Ruso, 1993a, p. 36). In such a way, the created body now had its own life, and it did not represent a mechanical sum of wills. That public/general personality used to be called a city, and now it is called the Republic or political body, while its members call it the entity: *the State* – a passive creation (when its members obey the laws); *a Sovereign* – an active creation (when the laws are passed); *the Government* (when it refers to the execution of laws) (Ruso, 1993a, 36).

Among other things, Rousseau saw the outcome of the social contract as the transition from the state of nature into a political body,

[6] The solution to the problem of giving up freedom, according to Rousseau, was in his conceivable assumption that the greater freedom of an individual meant the greater power of the whole. This can be accomplished exclusively when everybody has the *certainty* that everybody else will give up everything. Everybody gives up everything, and everybody wins: The obligations that connect us to the social body have to obey only because of the fact that they are mutual (Ruso, 1993a, p. 47).

because the contract cancelled all-natural inequalities which were replaced by general equality: "Instead of destroying natural equality, a basic contract, on the contrary, also replaced inequality, which the nature could create for people with legal equality, so that they could become equal on the basis of the contract and the law although they could be unequal in strength or talent" (Ruso, 1993a, p. 42).

It is important to point out that unlike Hobbes, whose concept of the contract implied individuals (as contractual parties) who signed the contract among themselves, Rousseau's contract was signed by the people, that is, the community with itself, which represented a divergence from the idea of other modern contractualists and was contrary to legal logic. That showed that his understanding of the social contract was primarily political, and not juridical (Milenković, 2012). Rousseau stated that "this was the agreement between one body and each of its members: the agreement was legitimate because its basis was the social contract; righteous, because it was shared by all; useful because it could not have any other subject but common good; firm, because it was guaranteed by public power and supreme authority. As long as the subjects were under the submission of only such agreements, they submitted themselves to no one but their own will" (Ruso, 1993a, p. 48).

In that sense, Rousseau also introduced the distinction between the people, the citizens and the subjects as the essential members of this new body. *The people* represented all united members of the community (commune), *the citizens* as the members of the body were those who participated in the sovereign authority, and they were called *the subjects* if they adhered to laws (Ruso, 1993a, pp. 36–37).

Rousseau understood the community in an organicist sense, and he emphasised that the sovereign authority was absolute in the same way as "an individual had an absolute authority over their limbs" (Ruso, 1933a, p. 47). A citizen had to answer the state for all the services it required, while the state could not ask of him/her anything that was not useful for all. The authority of the state over an individual lay in the laws, as well as the crystallisation of sovereignty and the general will, and, in order to be righteous, the law

had to be based on *generality*. Moreover, no law could build its authority by calling upon God, but only by being in accordance with the general will. Rousseau pointed out that the purpose of each legislative system was directed towards two main goals: freedom and equality. According to his conception, equality did not imply the same level of authority and wealth, but equality before the law, as well as the fact that authority could not use violence in conducting the law. On the other hand, when he wrote about property inequalities, Rousseau stated that no one should be so wealthy that he/she could buy the poor one, nor was it good that there was such poverty that would force someone to sell themselves. That is why he concluded that moderation was a virtue and that the achievement of the principle of equality assumed that the wealthy should be moderate in property and loans, and the poor should be moderate in stinginess and greed (Ruso, 1993a, pp. 62–63).[7]

General Will and Civil Pedagogy

The general will could manage the state according to the goal due to which it was established, which, according to the author, was – the common good. Rousseau believed that there had to be a common social connection among the members of the society, that is, a point upon which all members of the community would agree despite their different interests. That place of merging culminated in the general will, without which, as Rousseau claimed, no society would have been possible (Ruso, 1993, p. 43). He claimed that the general will was a pure act of understanding of each individual who overcame their passions, that it defined the expectations they had for one another, and that it regulated their relations (Rousseau in Molnar, 2012, p.

[7] It is interesting that despite everything, Rousseau allows dictatorship as a temporary form of ruling which suspends laws in order to establish public security (Ruso, 1993a, p. 116). The basis for such claim Rousseau found in an emergency in which certain circumstances demand, just like in unpredicted social situations to which the laws could not be adjusted. Since they were passed slowly and demanded procedures, in critical situations when the homeland needed saving, the skill which surpassed the legislative body and which was handed to "the worthiest one" was necessary (Ruso, 1993a, p. 116). However, when the urgent need is over, dictatorships become groundless.

12). However, Rousseau made a distinction between *the will of everybody* and *the general will* and pointed out that it was a sum of differences, where, after they were neutralised, there remained a *general will*, as the author named it (Ruso, 1993a, pp. 45–46).[8] Furthermore, the author defined the will of everybody as the sum of individual wills and private interests (privileges) and stated that it could be wrong, while the general will was a collective will that always strived towards general benefit and equality, and which was *unmistakable* as such. Such a definition still remained quite abstract, as well as contradictory; however, Rousseau believed that in well-organised societies, there were no contradictions between the will of an individual and the general will, because the citizens realised that their personal interests could not be different than the collective one.[9] However, in reality, the overlapping between individual and general will was at lure, because Rousseau realised that there were challenges that could jeopardise it. One of them lay in insufficient education or the lack of virtue among the members of society, which resulted in the fact that individuals did not accept the limitations to their own wills that came from the state and the law. It was why Rousseau believed that civic virtue was the basis of both the establishment and the longevity of the general will. The second "challenge" lies in the existence of group interests which could be in collision with the common, state interest. The greater the state, the greater the possibility of internal fractions (spatial, emotional, political), and only in smaller states cohesion that maintains the general will and prevents the erosion of society is possible (Bertram, 2020).[10] In that aspect, Rousseau believed that the general will was articulated only through the direct passing of laws by citizens, which led the author towards the conclusion that the general will as such was *unerring* and based on righteousness. To sum up, it could be said that according to Rousseau direct

[8] „Take from those wills those "plusses" and "minuses" which cancelled each other, and the general will remain as the sum of differences" (Ruso, 1993a, p. 46).
[9] By adhering to laws, individuals protect their freedom from somebody else's self-will, and in that aspect personal and common interests overlap in the widest sense.
[10] The smaller the republic, the greater the freedom.

passing of laws and the rule of law are the basis of the state and the connective tissue of the society founded on the general will.

This is where we come to the next key notion of Rousseau's political philosophy, and that is the notion of sovereignty.[11] It is a concept that, like other Rousseau's concepts, is quite complex, especially having in mind that the author in some works equates sovereignty and general will, as well as sovereign power and the state (See Ruso, 1925). In any case, in Rousseau's theory, the sovereign represents a political body (republic), when it is active, that is, when it passes laws, and it represents the proclamation of the general will. The only activity of the sovereign is precisely the enactment of the law, which is why the will of the sovereign is simple and indivisible. The domain of sovereign power is not the manifestation (application) of laws, but exclusively their enactment (Ruso, 1993a, p. 45),[12] while the implementation of laws is the task of the government (See Milenković, 2012, p. 143).[13] Apart from being indivisible, sovereignty is also inalienable, because, as Rousseau claims, "power can be transferred, but not the will" (Ruso, 1993a, p. 43). The indivisibility and inalienability of sovereignty are reflected in the collective being represented by itself.

The supreme body of the republic and the place of articulation of the general will is the assembly as a body of direct democracy and it consists of all citizens (those who have civil rights). The strength of a republic based on the general will is based on the ethics of the citizens who make up the assembly, because the passing of laws must be based on moving away from personal interests, as well as particular ones resulting from the group and party affiliations. Such a thing is achieved if the citizens are under the rule of customs that are part of the "sacred" past and general legislation, which brings Rousseau closer to the glorification of pre-

[11] More in Pavlovic, 1997.
[12] At this point, Ruso significantly dissociate from Hobbes, according to whom the right of the sovereign is not only the process of passing the laws but also the direct implementation of will in the field of internal and foreign policy (Hobs, 1991, pp. 181–191).
[13] In Rousseau's theory, judicial authority, unlike in the theories of Locke and Montesquieu, is not an independent branch of government but is incorporated into executive power.

modern, i.e. rural society (Molnar, 2012, p. 14). However, Rousseau's focus in “The Social Contract” is not on rural society, but on examining the possibility of founding one indivisible nation in the form of a republic. According to him, this goal can be achieved through civic pedagogy, specific education which consists of the "production" of a citizen who would be able to identify with the state as a whole.

It should be immediately noted that the sacralization of politics, i.e., the nation, the social contract or the constitution and the law, is not unique to Rousseau but is a feature of the era of revolutions and it was present among educators as well. Deni Diderot says that love for the fatherland is a political virtue that lies in feeling, not reason, and consists in the fact that to the citizen public interests are dearer than his own. The idea that civil religion is the ethos of the federation was the belief of the founders of the United States of America, who also believed that the divinization of the homeland was the basis of the moral unity of the political body (Đentile, 2009, p. 66). Rousseau devoted a lot of time to this problem, because, as it has already been said, he saw in the civic ethos the possibility of achieving national unity. In the last chapter of “The Social Contract”, he criticizes Christianity, stating that it does not encourage civic virtue and that Christians in war “know better to die than to win” (Ruso, 1993a, p. 125). On the contrary, the author praises Sparta and Rome, because their soldiers were driven by a fiery sense of love for glory and the fatherland. Christianity encourages tyrannical rule and the spirit of slavery, and as such, it cannot be the dominant religion in the republic that Rousseau desires. He agrees with Hobbes who he mentions and praises, regardless of obvious differences in their theoretical positions. Only Hobbes, as Rousseau observes, saw that Christianity destroyed political unity and introduced double power and constant conflict between priests and rulers over jurisdiction, and proposed that “both eagles' heads to be joined” (Ruso, 1993a, p. 122).

Criticism of the Christian religion, however, does not lead Rousseau to think that another religion could be an adequate cultural and moral basis for one indivisible nation. On the contrary, he finds the solution in the civil religion that does not spread through confession like faith, but its

meaning is in the sense of sociability that it produces in the individual and makes him voluntarily and proudly merge into the national collective. According to Rousseau, it is necessary for a child to suck love for the fatherland along with breast milk, from which it clearly follows that the process of civil socialization must begin at birth. The teaching of civil religion is characterized by simple, concise and few positive and negative dogmas: the existence of an almighty, reasonable, charitable, and protective deity, the afterlife, the happiness of the righteous and the punishment of the wicked, as well as the sanctity of social contract and law are positive. In contrast, the negative dogma is one: intolerance (Ruso, 1993a, p. 127). Rousseau, namely, claims that there should not be one religion, but it is possible that there will be more of them that are in a relationship of tolerance, but all of them must be subordinated to the republic and dedicated to the affirmation of civic duties. On the other hand, tolerance must not exist for those who are not loyal to the civic religion and do not fulfil their duties. If it is impossible to convince someone of the national *credo*, the sovereign should be expelled from the community, not as an infidel, but as an opponent of society (Rousseau according to Đentile, 2009, p. 68).

However, if we follow Rousseau's romantic idea of a single nation bound by the civic ethos of its members, the existence of endangerment must be assumed, whether it comes from outside or from within. Although the element of a common enemy that gathers members of the national collective in solid unity is only implicit, it is a necessary precondition for the unity of Rousseau's republic, and without it the emotional and moral merging of a political body is unattainable (Molnar, 2002, p. 21). If there is no external enemy, then we should turn to the internal ones, those who are considered not loyal to the nation and undermine the social values of the republic.

Such exclusivity leads us to another controversy related to Rousseau's name, and that is the implications of his theory on the French Revolution. The general opinion is that Rousseau was the inspirer of the fanatism of the Jacobin dictatorship and revolutionary tyranny, which is why some consider him responsible, but there are also those assessments according to which this is actually a misuse of Rousseau's thought. Thus, Mihailo Đurić believes

that the philosopher did not ideologically build a political theory that would call for a revolution and the demolition of the existing (Đurić 2010, p. 316), while Alexis Philonenko claims that "The French revolution may have enabled the belated recognition of The Social contract as a political piece, but there is no regime that, all invoking Rousseau, has more obviously betrayed the writer" (Filonenko 1993, p. 867). However, regardless of whether we see Rousseau as the "culprit" or as a misinterpreted author, it is indisputable that his doctrine had an indirect impact on (post) revolutionary events in France, and that it went out of the field of academic debate and had an important role on one of the greatest historical events (See Nikolić, 2012).

Conclusion

For the theoretical construction of the state created by the social contract, Rousseau, among other things, found inspiration in the Spartan polis, but we can also notice the notional closeness that he shared with the ancient philosophers. The intertwining of law, morality and politics, in the way that law becomes the driving force of morality, and morality of politics, is the basis of the political philosophy of both Plato, Aristotle and Rousseau. Just as Plato's state has a moral and pedagogical task, so Rousseau advocates collectivism and drowns the individual in the moral purpose of the state, even coercively. On the other side, when discussing civil virtue and political community, Rousseau is close to Aristotle. For both philosophers, namely, man acquires civil liberty only in the state, where he is morally shaped and self-realized, developing himself as a being which Aristotle calls the zoon politikon.

Although Rousseau's influence is most evident in the works of the Romantics, his "philosophy of feelings" also enchanted the educator Immanuel Kant, causing him to reflect on his philosophy. Although Kant does not explore the "natural" man, the one who is isolated from society and civilization, he did not hide his enthusiasm for Rousseau, and he himself claims that Rousseau is responsible for his more complex view of human nature and respect for feelings as special capability of the soul. Rousseau's influence on Marx can also be acknowledged, especially in the fact that they both speak about the

alienation of civilized man and see private property as a social reflection of human greed. However, in the end, Marx disagrees with Rousseau, because Marx optimistically builds a revolutionary and utopian vision of society, while Rousseau was neither an advocate of revolutions nor a utopian. Rousseau knew that even a system based on civic virtue must eventually fail because every regime carries the germ of failure and inevitably moves towards its end of existence, and political wisdom consists in the ability to postpone this end. In this respect, Rousseau's work can rather be called a counter-utopia in which it is discussed what a man could have been, but not become (Filonenko, 1993, p. 875).

At the time of its creation, "The Social Contract" was not such a popular piece and hardly a copy of this book was present in the libraries of Paris. The turnaround happened in the decade after the French Revolution, when Rousseau's book was printed in thirty-two editions, which, however, should not be interpreted as a sign of full implementation of Rousseau's ideals in the new French society. In fact, there is no basis for claiming that the post-revolutionary regime was institutionally similar to Rousseau's ideals, primarily in that it was a representative system rather than direct democracy. On the other hand, the influence of Rousseau's ideas on Robespierre in the age of terror is evident. The persecution of the internal "enemy", accusations and trials without witnesses, and the guillotine, became a practice in 1793. Such tyranny was justified by the necessity of spiritual rebirth of the French nation, which must be an accompanying element of the overall political transformation of society. The introduction of the Supreme Being cult and the negation of Christianity were also inspired by Rousseau's "The Social Contract".

Apart from the criticism that consists of the predominantly negative influence on the post-revolutionary currents in France, Rousseau is also confronted with the perceptions which are recognizable as the ideological inspirer of political regimes called totalitarian. In the fascist and communist states, crimes were also committed against those who were lightly and unfoundedly declared dissidents, all under the pretext of preserving state unity and public morals, in a direction of defence of what would be represented

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as a general will. Therefore, it can be said that despite the desire to establish the republic on the ideal of freedom, Rousseau in his construction of the state does the opposite and suppresses freedom, failing to bypass the element of repression, which cannot be justified.

In the end, Rousseau, as a writer, can certainly be criticized for the fact that the concepts he develops are insufficiently sharpened and unclearly defined, but, regardless of that fact, the greatness and originality of his ideas cannot be disputed.

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Ugovorna teorija Žan-Žaka Rusoa*

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Sažetak

U radu se daje prikaz teorije društvenog ugovora Žan-Žaka Rusoa u kontekstu vremena njenog nastanka, ali i u relaciji sa prethodnim, modernim kontaktualnim teorijama. Ukazuje se na složenost i isprepletenosti pojmova opšte volje i suverenosti koje Ruso vidi kao osnovu sporazuma kojim se izlazi iz prirodnog stanja i utemeljuje političko telo zasnovano na građanskoj slobodi. Za razliku od svojih prethodnika, Ruso sporazum, kao i republiku, pre posmatra etički nego pravno, pa političku zajednicu vidi kao onu tvorevinu koja se temelji na moralu njenih građana i integriše zahvaljujući građanskoj vrlini. Takva ideja autora je dalje odvela u pravcu razmatranja vaspitanja u duhu građanske religije, koju je video kao moralnu osnovu jedinstvene i nedeljive nacije, u kojoj su svi pojedinačni i partikularni interesi proglašeni neprijateljskim i razgrađujućim elementom društvenog tkiva. Kolektivistički naboj Rusoove teorije uskoro će postati glavni izvor inspiracije jakobincima i revolucionarnoj tiraniji u Francuskoj nakon revolucionarnog prevrata.

Ključne reči: Ruso, društveni ugovor, prirodno stanje, opšta volja, suverenost

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Perennialism and Cyclysm: Evola's View of Historical Cycles

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Abstract

By defining the Perennial school ("Sofia Perenis") or traditionalism as an "alternative stream" of thought in the 20th century which believes that in the foundations of all leading world religions there are identical universal truths that they manifest in different ways and lead to transcendental cognition, the Paper first observes the relation of perennialists toward historical dynamics. It determinates that perennialists are advocates of an emanation, cyclical view of history that begins with separation from the One and, in declining cyclical phases, leads to a return to it. Furthermore, different perennialist views of the duration of the phases of these cycles are observed. In the second part, the Paper analyzes the traditionalist teachings of Julius Evola, his version of historical cyclism, and its influence on cultural dynamics and tries to answer the question of why Evola's view is, practically, without major influences on the modern study of historical dynamics.

Keywords: perennialism, tradition, cycling, doctrine of the four ages, Julius Evola

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Perennialism and Cyclysm: Evola's View of Historical Cycles

The writings of perennialists ie the traditionalist school of thought ("Traditionalists") which takes over and reaffirms the religious view of history from pre-modern traditions are very important for the renewal of interest in cyclical theories of historical trends in the twentieth century. Perennialism or traditionalism are terms most commonly used to advocate "the idea that there exists an enduring tradition of superior spiritual wisdom, available to humanity since the earliest periods of history and kept alive through the ages, perhaps by a chain of divinely inspired sages or initiatory groups" (Hanegraaf, 2005, p. 1125).

From the perspective of historians of religion and theologians, perennialist philosophy of traditionalism can be seen in two ways. The first, mainly influenced by Thomistic scholasticism, is related to the classical Greek and Roman philosophical heritage related to faith in God, human nature, and the like, which the Christian Holy Fathers shared with pre–Christian philosophy (primarily with Plato and Aristotle). "The Latin expression philosophia perennis, 'perennial philosophy', was probably first employed in this sense by Agostino Steucho (1496–1549), a Vatican librarian, and was given currency in the early eighteenth century by the philosopher Leibniz. More recently, the phrase has been used in a broader way to refer to the idea that all of the world's great religious traditions are expressions of a single, saving truth. Comparing this truth to a perennial flower, a perennialist asserts that there is one divine Source of all wisdom, which has repeatedly blossomed forth throughout history" (Cuttsinger, 2005, p. 1).

Another type of perennialism was developed during the twentieth century in the so-called "traditionalist (or perennialist) school of thought" as an "alternative, secret current" of this period. It can be considered neither a philosophy, an esoteric knowledge, nor a religious movement in the narrower sense of the word, although it is intertwined with all of them. The main protagonists of the traditionalist school are Rene Guenon, Ananda Kumaraswami, Fritjof Schuon, and then (with their specifics) Julius Evola, Mircea Eliade and Sade Hussein Nasr (Sedgwick, 2004). Perennialists believe that there are identical

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primordial and universal truths ("absolute Truths") in the foundations of all the world's leading which they also call "perennial wisdom" (Sophia Perennis) (Lings & Clinton 2007, p. 12). "As absolute Truth, it is the perennial wisdom (Sophia Perennis) that stands as the transcendent source of all the intrinsically orthodox religions of humankind. In the words of St. Augustine, it is that "uncreated Wisdom, the same now, as before, and the same to be forevermore" (Confessions, 9:10). As infinite Presence, it is the perennial religion (*religio perennis*) that lives within the heart of all intrinsically orthodox religions. In the words of Cardinal Nicholas of Cusa: "There is … one sole religion and one sole worship for all beings endowed with understanding, and this is presupposed through a variety of rites" (De Pace Fidei, 6)." (Lings & Clinton, 2007, p. 12) While some see it as a form of philosophical thought, as "gathering the truths of the natural order largely adopted by humans throughout history (…) and a holistic formulation of the first principles", others see it as wisdom itself, esoteric content behind the surface of seemingly different religious revelations and ritual practices (Kahteran, 2002, p. 45). "As summarized by Antoine Faivre (1999, p. 33), the perennialist perspective is based upon three postulates: (1) There exists a primordial Tradition of non-human origin – humanity has not invented but received it which has progressively gotten lost, and of which the various historical traditions and metaphysics are the *membra disjecta*. The source of this Tradition cannot be identified by means of scholarly historiography. (2) Modern Western culture, science and civilization are inherently incompatible with Tradition; never before has humanity been alienated from the latter as seriously as today. (3) The Tradition may be recovered, partially at least, by focusing on the common denominators of the various religious and metaphysical traditions. Such research cannot be neutral but requires the seeker to embrace the fundamental Traditional values and perspectives, and preferably to have undergone "initiation". The Tradition can only be understood from the perspective of Tradition itself; the very idea of neutral, "disinterested" historical research in which the evidence of surviving sources is the ultimate yardstick reflects a modernist and historicist perspective incompatible with Tradition." (Hanegraaff, 2005, p. 1132)

How do perennialists view the problem of differences between

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traditional religions and their religious revelations? "The Hindu tradition, for example, includes many Gods, Judaism insists there is only one God, and Buddhism declares the question of God to be moot. Or again, Christianity believes that God is a Trinity and that the divine Son was incarnate as Jesus Christ, beliefs explicitly rejected by Islam. According to the perennial philosophy, however, such outwardly divergent teachings, providentially adapted to the spiritual, psychological, and cultural needs of different peoples at different stages of history, can be inwardly reconciled by those who are sensitive to their metaphysical and symbolic meanings and prepared to follow the golden thread of the dogmatic letter to its deeper spiritual meaning." (Cuttsinger, 2005, p. 1-2) The ways of inner cognition of this spiritual meaning, according to perennialists, are not so much in mystical experience as in metaphysical intuition, the direct intuitive connection of the human with the Divine mind (Oldmeadow, 2011, p. 7).

Perennialism ("traditionalism") can therefore be considered a kind of pluralism rather than mere eclecticism. "First, unlike many pluralists, perennial philosophers do not believe that every religious tradition is valid but distinguish between true religions and their human or demonic counterfeits and, within authentic traditions, between orthodox and heretical forms. Some paths go all the way to the summit, but others circle aimlessly around the base of the mountain or lead away toward the desert. Second, where pluralism sees religion as resulting from human efforts to reach out to a divine reality that can never be known as it is in itself, perennialism teaches that the world's true or orthodox religions are directly revealed by that Reality, each of them corresponding to an archetype within the divine mind. Revealed traditions do not communicate merely partial or complementary truths, which must then be combined by the syncretist to achieve a complete understanding" (Cuttsinger, 2005, p. 2).

Perennialists, Cosmic Cycles and Dilemmas About Them

By exploring many of the metaphysical doctrines of various orthodox religious revelations, perennialists find cyclism as a basic view of the dynamics of God's relationship to the world and world currents. Perennialists do not

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see this cycling as contradictory to the biblical "Book of Genesis", whose revelations they approach in an allegorical rather than literal way (Lings & Clinton, 2007, p. 36). "It was easy for the ancients all over the world to believe in the sudden primordial establishment on earth of human perfection – a zenith from which there could be no rising but only falling away – because they saw that this first Divine intervention was continually repeated in lesser interventions. As regards our own forbears, the Old Testament is the story of a downward trend, for example between the Fall and the Flood, and then between the Flood and the Tower of Abel, a trend which is from time to time cut short, sometimes even by a re-establishment of relative perfection; and as soon as the grip of the Divine intervention relaxes its hold, the fatal trend reasserts itself once more, as if by a law of gravity (...) This "God-man" rhythm, a sudden rise followed by a gradual fall, the result of a combination of what is above time with what is subject to time, might be described in seasonal terms as a sudden spring racing into summer followed by gradual autumn. How soon autumn begins will depend on various factors. The great spring-summer of mankind as a whole, the Golden Age, is said to have lasted, according to some interpretations of the Hindu Purāṇas, for twenty–five thousand human years, and according to others for well over one and a half million. As regards the lesser cycles, such as those of the different religions, they are inevitably affected by their position in the great cycle. The initial spring-summer of one of the later religions, situated as it is in the autumn of the great cycle, is bound to be drawn relatively quickly towards its own autumn, within which however there are the spring-summers of yet smaller cycles, for a great Saint sometimes as a mission of sudden redress which makes his appearance analogous, on a lesser scale, to that of the founder of the religion. To see this rhythm we must look at the backbone of history rather than at its surfaces, for although spirituality itself is by definition above time, the less direct effects of spirituality in time naturally tend to follow the temporal rhythm of gradual waxing and waning." (Lings & Clinton, 2007, p. 47)

Perennialists, therefore, see historical processes above all by adopting the Hindu doctrine of the cyclical trends of the created world (Manvantara)

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which is divided into four ages with the same number of degrees of the eclipse of the primordial state (spirituality). The same processes ancient civilizations in the West call the Golden, Silver, Bronze and Iron Ages (Hesiod, 8th century B.C.). In the Hindu version, the names of these ages are Krita Yuga (Happy Age, also called Satya Yuga), Dvapara Yuga (Second Age), Treta Yuga (Third Age) and Kali Yuga (Dark Age or Age of Conflict). Together they all constitute Maha Yuga or the Great Age, according to the Vishnu Purana. According to Rene Guenon and other perennialists/traditionalists, humanity has been in the Dark Age for thousands of years, that is, from the time that precedes all known dates of history known to us.

Perennialists try to give a clear answer as to why the cyclical path of historical currents is descending and going from the best state/age to worse and worse. Guenon explains:" The reason is that the development of any manifestation necessarily implies a gradually increasing distance from the principle from which it proceeds; starting from the highest point, it tends necessarily downward, and, as with heavy bodies, the speed of its motion increases continuously until finally, it reaches a point at which it is stopped. This fall could be described as a progressive materialization, for the expression of the principle is pure spirituality; we say the expression and not the principle itself, for the latter, being beyond all oppositions, cannot be described by any term appearing to suggest an opposite (...) In point of fact, as we have already said, two contrary tendencies are to be traced in everything, the one descending and the other ascending, or, in other words, one centrifugal and the other centripetal; and, from the predominance of one or the other tendency result two complementary phases of manifestation, the one a departure from the principle and the other a return to it, two phases often symbolically compared to the beating of the heart or the process of breathing." (Guenon, 2004, p. 7–8) From what has been said, it is clear that Genon's (and in general perennialist) view of creation and existence is emanationalist, very similar to Platonism (mostly Plotinus' teaching presented in the "Enneads" (Plotin, 1984).

Both religious revelations and perennialist interpretations differ on the question of how long cycles last, that is, their descending phases. There

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is only a consensus that the descending cycle accelerates as it goes towards its end so that the relationship between phases /ages (yuga) is usually observed in the ratio 4:3:2:1 (ie that the "golden age" is four times longer than the "dark" one). Interpreting the found and translated from the Sanskrit version of "Vishnu Purana", Horace Hyman Wilson determined the duration of Kalpa (one Brahmin day) to be 4.332 000 years, within which, in a descending trajectory (scale 4:3:2:1), they are replaced by four yugas: Krita Yuga (1,728,000 years), Dvapara Yuga (1,296,000 years), Threta Yuga (864,000 years) and Kali Yuga (432,000 years). According to Indian astronomers, Kali Yuga began at midnight between February 17 and 18, 3102 BC, and with its flow (when 4,230,000 years expire), a new Golden Age will begin (Surya-Siddahnta, 1978, 161–168). Many modern researchers have begun to interpret this figure of 4,230,000 years (which can be found not only in Hindu, but also in Chinese, Chaldean and Nordic astronomy) because of its (from a human perspective) absurd size symbolically (like 360 times 72, where is 360 the number of degrees of a circle and 72 its fifth, which inscribes the five-pointed star, where the circle represents heaven/eternity, and the five-pointed man/creature).

Like the traditionalists, despite respecting the authenticity of the ancient sacred writings, thought that the number of years in the Vedic texts was too high, they decided to reduce them, explaining that many of the zeros in these writings are there only to intimidate and/or deceive. The key, according to Rene Guenon, is in number 4320. "It should be taken as representing the Maha Yuga: the set of four Yugas that embraces the entire history of present humanity, but 4.300 is obviously too short a period, just as 4.320,000 is too long. By what number should 4320 be multiplied to arrive at the true length of the Maha Yuga? Through logical and erudite arguments Guenon concludes that the proper multiplier is 15." (Godwin, 2011, p. 291) This leads Genon to the conclusion that the descent through the four Yugas (in the ratio 4:3:2:1) takes place in the following time intervals: Krita Yuga lasts 25,920, Dvapara Yuga 19,440, Treta Yuga 12,960 and Kali Yuga 6,480 years. The entire cycle of Maha Yuga lasts 64,800 years.

Guenon did not accept the classical Hindu view that puts the beginning of Kali Yuga in 3012, and, although he considered its end to be rapidly approaching,

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he hesitated to give an exact prediction of the end of the cycle and the beginning of the new Golden Age. Some of his students, such as Jean Robin, however, could not refrain from predictions. Robin set the beginning of Kali Juga at 4481 BC, so, adding Guenon's 6480 years to it, he put the "end of the world" in the Nostradamus' year of 1999 (Robin, 1985, p. 67). Others among Genon's followers had different calculations: Orientalist Alain Danielou, who later converted to Shivaism, advocated a special calculation of cycles with four descending ages in relation to Genon's. He obtained the length of Maha Juga/Manvantara by dividing the traditional figure for Kalpa by 71. 42 (that's how many Kalpas Manvantara has), thus obtaining a cycle length of 60,487 years. According to him, Krita Yuga lasts 24,194.88 years, Dvapara Yuga 18,146, Treta Yuga 12,097.4 and Kali Yuga 6048, 72 years (Godwin, 2011, p. 294). As the beginning of the Yuga, in accordance with Hindu astronomy, dates back to 3012 BC, Daniel believes that the existing "dark age" and the entire descending cycle will end in 2442 (Danielou, 1987, p. 197).

The Traditionalism of Julius Evola

Julius Evola, an esotericist, philosopher and painter, is one of the most important traditionalists of the first generation, no matter how much his "radical traditionalism" deviated in part from Guenon's or Schuon's traditionalism. As Evola's biography is complex and rich, and its exhaustive presentation requires a lot of space, on this occasion we will only present some basic data in the outline.[§§§§]

Julius Evola was born under the name of Giulio Cesare Evola in Rome on May 17, 1898, in a Sicilian family of noble origin, to father Vicenza and mother Concetta. He was the second child in the family. The Evola family has held the title of baron since the late Middle Ages, although his father was the head of the repair service at the Roman Post Office, and his mother was registered as a landowner. Born a Roman Catholic, during his

[§§§§] For more details of Evola`s life see: Aprile Mario 1984; Sedgwick 2004, p. 125-153; Furlong 2011, and J. Godwin's preface for Evola`s book "Ride the Tiger": Evola 2003.

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education Julius fell under the intellectual influence of Nietzsche, Rimbaud, Mikelstetter and Weininger and slowly distanced himself from the Church. In the First World War, he participated in the Italian army as an artillery lieutenant. After demobilization (which was accompanied by an existential crisis), he became interested in avant-garde art and began to paint. He met Papini and Marinetti, and later Tristan Tzara, and became the main protagonist of Dadaism in Italy. At the same time, Evola is experimenting with herself, seeking the transcendent experiences of the Self through meditation but also through opiates. He interrupted his studies of technical sciences just before graduation, despising all bourgeois jobs and titles. He never married or was employed in any profession.

As early as 1922, the artistic phase of Evola's life came to an end, and he turned to build his own philosophical worldview when he called it "magical idealism", most inspired by Novalis. After several philosophical works, in 1926 he began intensive studies of Western (primarily alchemical) and Eastern (Taoism and Tantrism) esoteric doctrines. He discovers the works of Rene Guenon and accepts a large part of his beliefs, developing them in an original way. He published his first studies on Tantrism and began a decades-long correspondence with Rene Guenon. In the following years, he joined the esoteric Arthur Reghini, with whom he formed the magic–initiation group "Ur" in the period 1927–1929. After parting ways with Rhegini (on the question of relations with Freemasonry), Evola became involved in socio-political struggles in the then fascist Italy, with the intention of offering her sacral and imperial dimensions. In vain: until the collapse of Mussolini's regime, Evola will remain an outsider when the regime will look at him as a reactionary with whom one can cooperate a little, but from a distance and with great caution. "After the group "Ur" has dissolved, Evola immediately began to publish the intellectual and political periodical "La Torre", which was discontinued by order of Mussolini after ten issues because Evola's "spiritual imperialism" was too intransigent. At this time Evola even had to protect himself against fascist hardliners. His polemic "Imperialismo Pagano" (1928) unleashed violent controversy in both fascist and the highest ecclesiastical circles. Around this time Evola

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became acquainted with the philosophers Benedetto Croce (1886–1952) and Giovanni Gentile (1875–1944), with whom he collaborated on the Encyclopedia Italiana. During the 1930s Evola adopted the Integral Tradition of Guénon in his own warrior fashion and made a profound study of alchemy, contemporary esoteric groups and the Grail myth. During these years he undertook Traditionalist critiques of history and culture and wrote several of his most important books. He also travelled widely through Europe, to meet representatives of political currents corresponding to his own sacral, holistic, anti-liberal and anti-democratic ideas; these contacts include Edgar Julius Jung (1894–1934), the conservative revolutionary murdered by the National Socialists, Karl Anton Prince Rohan (1898–1975), the Roman Catholic monarchist founder of the Europäische Revue, and Corneliu Codreanu (1899–1938), founder of the Iron Guard in Romania. During a visit to Romania Evola met Mircea Eliade (1907–1986), the later historian of religion, who had adopted some of Evola's ideas and would remain in touch with him. He also had meetings with the constitutional lawyer Carl Schmitt (1888–1985) and the poet (Hanegraaff, 2005, p. 346) At Mussolini's request, Evola tried to theoretically elaborate a fascist version of "spiritual racism", by which Italy would counter Nazi racism of "blood and soil" (which only angered the Nazis) but remained misunderstood in fascist circles.

He studied Buddhism during World War II. After the Allies captured Rome in 1944, he fled to Vienna where, as an esoteric expert, he studied Masonic archives captured by the Germans throughout Europe. There, during one wave of bombing, he was hit by shrapnel in the spine which left his legs paralyzed for the rest of his life. After three years spent in hospitals and sanatoriums, Evola returned to Rome in a wheelchair and immediately continued with public appearances, primarily writing, so that he became a person around whom a group of young followers gathered. "In April 1951, Evola was arrested, accused of being an "intellectual instigator" of secret neo-fascist terrorist groups and of "glorifying fascism". The complete acquittal followed after six months of investigative custody. Since the practical realisation of his ideas seemed impossible in the absence of party

support, Evola's political orientation now changed in the direction of an "a politeia", an attitude of disengagement from current politics. Studies of the links between sex and esotericism led to another of his principal works. Around the same time, he produced countless periodical essays and numerous translations from the work of Mircea Eliade (1907–1986), Arthur Avalon (1865–1936), Daisetz Teitaro Suzuki (1877–1966), Karlfried Graf Dürckheim (1896–1988), Oswald Spengler (1880–1936), Gabriel Marcel (1889–1973), Otto Weininger and Ernst Jünger (1895–1998). Together with his translations of Johann Jakob Bachofen (1815-1887), Gustav Meyrink (1868–1932) and René Guénon during the 1930s and 1940s, these writings made Evola an important transmitter of wider European spirituality to Italy. In 1974 he died, propping himself up beside the window of his apartment in order to meet death upright, like his heroes" (Hanegraaff, 2005, p. 346). In accordance with his will, Evola was cremated, and his ashes from the urn were sprinkled on the tops of the Monte Rose mountain massif, where he hiked in his youth. Evola is survived by an extensive work of over twenty books, a dozen collections of essays, and thousands of short texts, prefaces and translations.

Intellectually, Evola's contribution to the corpus of thought of the "traditionalist school" is based not only on the achievements of very learned studies of Eastern and Western esotericism (alchemy, Grail myth, Tantrism), but above all on the constant commitment to metaphysical self-realization by ascetic–warrior discipline, which combines contemplation and action. "As a Nietzschean, he emphasizes action, which he considered a uranic quality, which in Hinduism is associated with Kshatriyas as a warrior caste" (Sedgwick, 2004, p. 100). In this second sense, Evola's "radical traditionalism" was turned to the political reality of the time in which he lived and propagated a hierarchical, non–egalitarian and traditional "organic state" of the sacral type. At the heart of this commitment lies the fundamental difference between Evola's and Guenon's approach to traditionalism: while Guenon turned to contemplative spheres and intuitively deciphering symbolism in a comparative perspective, preferring priest/brahminical primacy, Evola was more turned to warrior–minded,

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Kshatriya–style the subject of the "holy ruler" who unites the high priestly and ruling functions (Evola, 1990, p. 157-180).

Teaching About the Four Ages and Evola's Cyclical View of Cultural Dynamics

Like all other proponents of traditionalism, Evol's view of time dynamics is cyclical rather than linear. "Time was not regarded quantitatively, but rather qualitatively, not as a series, but as rhythm. It did not flow uniformly and indefinitely but was broken down into circles and periods in which every moment has its meaning and special value in relation to all others, as well as lively individuality and functionality. Each of these cycles and periods (the Chaldean or Hellenic 'Great Year', the Etruscan and Latin saeculum; the Iranian aeon, the Aztec 'suns', the Hindu kalpas) represent a complete development forming closed and perfect units that were identical to each other; although their occurring they did not change and did not multiply, according to Hubert Maus fitting expression, the 'a series of eternities'" (Evola, 1995, p. 144).

This position of Evola completely follows the views of Rene Guenon and other leading traditionalists of the first generation taken from the pre-modern teachings on "four-phase" descending cycles, that is, on the cyclical decline/departure from the principle which, "is decline, according to Evola, produced the "desacralization of existence: individualism and rationalism at first, then collectivism, materialism and mechanism, finally opening to forces belonging not to that which is above man but to that which is below him" (Sedgwick, 2004, p. 100) until the end of the cycle embodied in the return principle. "Simultaneously, what Evola called "the law of the regression of castes" operated, with power passing from the priestly and military caste to the merchant caste (as in the bourgeois democracies) and finally to the serf caste (proletariat), as in the Soviet Union" (Sedwick, 2004, p. 100).

By skilful analogies, Evola points to the congruence of cyclical visions in well–known premodern traditions and their underlying myths. "The best-known doctrine of the Four Ages is that which was typical in the Graeco–Roman tradition. Hesiod wrote about four eras symbolized by four

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metals (gold, silver, bronze and iron), insert between the last two of the fifth era, the era of the "heroes", which as all we shall see, had the only meaning of partial and special restoration of the primordial state. The Hindu tradition knows the same doctrine in the form of the four ages, called respectively, the Satya Yuga (or Krta Yuga), the Treta Yuga, the Dvapara Yuga and the Kali Yuga (or "Dark Ages"), together with the simile of failings, during each of these, one of them of the four hoofs or supports od the bull, symbolizing dharma, or the traditional law. The Persian version is similar to the Hellenic version: there are also four ages marked with gold, silver, steel and an "iron compound". The Chaldean version articulated the same view in almost identical terms. In particular, we can find a more recent simile of the chariot of the universe represented as a quadriga led by the supreme God; the quadriga is carried along a circular course by four horses representing the elements. The four ages were believed to correspond to the alternate predominance of each of these horses, which, then leads the others in accordance with the more or less luminous and rapid symbolic nature of the element it represents. This view reappears, although in special transposition, in the Hebrew tradition. In one of the prophetic writings, mention is made of a very bright statue with a head made of gold, the chest and the arms made of silver, the belly and the thighs of copper and the legs and the feet made of iron and tile" (Evola, 1995, p. 177–178).

What is the specific upgrade of Evola's view of the descending, moving away from the principles of the cycles of existence? In that, he turned this departure from the principle, the decline from the spiritual to the material, that is, the uranium/solar to the telluric/chthonic into a dynamic pair of opposites, which, with their simultaneous complementarity and opposition, form uranium and chthonic cultural creations of civilization. Taking from Bachofen a typology of spiritual/uranic, that is, patriarchal and sensory/material, that is, matriarchal civilizations, Evola raised them to the level of two historically competing principles. "According to Bachofen, human society had progressed from early, matriarchal, "basely sensuous" civilizations to "spiritually pure" patriarchal civilizations (such as his own).

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This typology was the basis not only of Evola's telluric/uranic pair but of Nietzsche's Apollonian/Dionysian pair." (Sedgwick, 2004, p. 100) Evola, of course, reverses (or, according to him, corrects Bachofen in accordance with the traditionalist doctrine of descending cycles) this view, and sees historical cycles as a decline from the original uranic principle dominant in the Golden Age, mixing and falling under the influence of tellurocratic/chthonic principle as the source of regression. At the same time, the uranic and chthonic, that is, the masculine and feminine principles, are not so much present as the stages in the development of culture within the cycles of civilization – but as the predominant polarities with their characteristics within entire civilizations.

Primordial, uranic culture was solar, spiritual–viril. The "golden age" is, therefore, the "age of Being", of truth in a transcendent sense, and its civilization is that which is original, bright, and initial. Evola identifies it with the mythical Hirperborea as the arctic polar centre of primitive man. According to tradition, in the epoch of early prehistory, which corresponds to the Golden Age or the age of "essence", the symbolic island or polar "land" was a real area in the north, in the zone where the North Pole is today. This area was inhabited by beings who (possessing non–human spirituality, for which the already mentioned notions of gold, "glory", light and life exist and which will later be invoked by the symbolism suggested from their headquarters) formed a race that had a uranium tradition in pure and a unique state: that race was the central and most immediate source of the various forms and expressions that that same tradition had in other races and civilizations.

With the decline of the cycle, the disintegration of the Hyperborean civilization and the migration of the population to the south and west, the second, silver phase of the descending historical course begins. Julius Evola calls it the "Nordic-Atlantic cycle" (Evola, 1995, p. 195). Then, after the pole shift and climate change, Hyperborean groups of people first arrived in the northern regions of Eurasia and North America, and then descended to the south. The seat of culture in the silver phase of the Evola cycle is connected to the mythical Atlantis, from where its influences spread throughout

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Europe, Africa and America in the early Paleolithic period (Evola, 1995, p. 250). The anthropological change in this epoch took place in the division into the boreal and Atlantic "components": "The first is directly related to the light of the North, mainly retaining the original uranic and "polar" orientation, the second reveals the transformation that occurs in contact with the powers of the South." (Evola, 1995, p. 253) These are the influences of the tellurocratic principle, which can be transformed by the influence of the solar and uranium, into a complementary synthesis of the demetrin type ("virgin on the throne of the sea", Tuatha de Danaan from Irish mythology). The flood of Atlantis ends the Silver Age of the great historical cycle.

Third, the Bronze Age is a phase of a cycle of further decline. In it, the separation from the spiritual principle and the creation of the desacralized polarity of the masculine and the feminine is a presupposition of "new types of civilization that have involuntarily followed the original one". (Evola, 1995, p. 279) The first type of bronze civilization is that of devirilled masculinity –the "titanic type" as the negativity of the masculine "and refers to the spirit of a materialistic and violent race that no longer recognized authority of the spiritual principle corresponding to the priestly symbol or to the spiritually feminine "brother" (e.g. Cain vs Abel); this race affirmed itself and attempted to take possession, by surprise and through an inferior type of employment, of a body knowledge that granted control over certain invisible powers inherent to things and people." (Evola, 1995, p. 219) In contrast to the titanic, masculine distortion visible in the attempts to establish a degenerate masculine in the material, there is an analogous deviation of the female sacral direction, which is visible in the Amazonian, gynecocratic distortion of the "aphrodite type". In addition to (that is, after) these two polar negativities, there is also the aspiration to correct man and culture in the direction of renewing the solar uranium principle. It represents the essence of the "age of the hero" and his attempt to build a spiritually oriented culture. "Hesiod mentions that following the Bronze Age and prior to the Iron Age, Zeus created a better lineage of those races whose destiny was "to decent ingloriously into Hades". Hesiod calls this

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lineage the race of "heroes" to whom it is given the possibility of attaining immortality and partaking, despite all, in the state similar to that of the primordial age." (Evola, 1995, p. 224)

The Iron Age, in all its characteristics, is equated by Evola with the "Dark Age", the spiritless, anti-traditional time of "caste regression" and the disappearance of virtues which is under the strong domination of the material/ chthonic principle. It is only at the time of the transition between the Bronze and Heroic Ages to the Iron Age (that is, the Dark Ages) that Evola begins to observe certain historically more or less known cultures/civilizations and their characteristics through the prism of uranian/solar and telluric/chthonic polarity. In historical periods, Evola connects traces of uranian to the areas of "heroic" Aryan cultures and their mixing with the chthonic cultural background (Indo–Aryan, Hellenic, but also Far Eastern cultures of China and Japan, as well as cultures in pre–Columbian America (Maya, Toltecs, Aztecs)) whose cultural expressions he sees as a correlation of tellurocratic–southern influences and those who survived from the "silver"/atlantic cycle, ie phase (Evola, 1995, p. 292). In a similar way, Evola sees the Egyptian, Mesopotamian and ancient Jewish civilizations (Evola, 1995, p. 298-306). Christianity, i.e., "syncope of Western tradition" Evola sees as correction of the chthonic influences by the solar traditions of Indo–European peoples, more pronounced in the rise of medieval "imperial creations" of spiritual orientation, as well as in the case of the growth of spiritually oriented Islam from chthonic, Arab–Semitic cultural background. The downfall of medieval ecumenism, the emergence of a modern materialist secularized society and its nations, the time of technical supremacy and trade relations – Evola sees as the last phase of spiritual regression within the Dark Ages, as a time of cut off from spirit and spirituality, followed by "closing the cycle" (Evola 1995, 425–439).

Conclusion

Although there is no doubt that in "Rebellion against the Modern World" Evola "created a unique morphology of history, the last great undertaking of its kind in Europe before the world emergence and disappearance after the companies of Hegel, Marx, Nietzsche, Danilevsky,

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De Mestre, Spengler and Toynbee" (Evola, 1990, p. 171), his "regressive cyclism" has remained virtually without much influence both within the traditionalist school and outside it, among scholars of social-historical currents. Why is it so?

For most perennialists/traditionalists (except for the "evolians" themselves, as well as members of the "new right" in Europe who are directly influenced by Evola's ideological influence), the following is clear: their research and interests are mostly focused on immutable, metaphysical and ontological content and they, therefore, ignore (which is the most common academic objection addressed to perennialists (Faivre, 1999, pp. 38–39) historical trends and changes. For most "non–evolian" traditionalists, principled views on the descending, four-phase trajectory of historical cycles as a consequence of separation and (ultimately) return to the principle as a basic historical scheme that discourages them from entering into details of historical currents and cultural expressions of its phases – are sufficient. They are also interested in what they consider "mirrors of eternity" and only consequently interested in the "world of existence".

On the other hand, researchers of socio-historical trends of Evola's "regressive cyclism", explained by symbolic–mythical patterns with a lack of more reliable facts and especially archaeological artefacts, certainly reject this approach when they consider it insufficiently serious and "imaginative". There is, not to forget, the impedance of the vast majority of those who reject all perennialism either because of their linear view of history or because of the realization that perennialists dehistorize their ontological predicates in a desire to reach eternity, the One.

The relationship between the spiritual and the material in cultural life is rich and stimulating enough to understand cultures and their historical dynamics. In modern forms of renewed interest in cyclical theories (e.g. in Pitirim Sorokin (Sorokin, 2002)), it gave quite good results in researching the arc between ideational, idealistic sensational culture, that is, its types. In Evola's approach, these determinations are totalizing and serve more to give the historical dynamics of cultures the overtone of the struggle of the opposing forces of light and darkness, than to be a means of in-depth

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understanding of the historical dynamics of cultural types and their civilizations. Although Evola, in observing cultures and civilizations, especially of the later Bronze, Heroic and Iron Ages, explains the characteristics of some of them by mixing the influence of uranic and chthonic contents (in different scales and from different historical layers), he does not go deeper into intracultural influences and their contents, beyond the often two-dimensional "black and white" (uranic/chthonic, spiritual/telurocrtatic, boreal–patriarchal/ southern matriarchal) view of everything that exists.

Another big problem for taking seriously Evola's morphology of history is that he views it as a product of the interaction of the polarity of two principles, whose opposition in historical processes (although, in words, he calls them complementary, but also competing) takes on the dimensions of dualism. Here, the problem of determining the content of these principles and their historical manifestation appears. There is not enough support to prove them, except in symbols and myths, which are, by their nature, ambiguous and therefore suitable for "adjustment", which can often seem very tense and problematic. For example, Evola not only raised the existence of chthonic religious contents (which are indisputable for the history of religion and archaeology) to the level of a metahistorical principle, but it is also problematic that he fully identified them with Bachofen's view of "matriarchy" in the Mediterranean world. On the basis of a whole series of research during the past century – the existence of Bachofen's "matriarchy" is, if not completely disputed, seriously relativized. Then, Evola applied this chthonic principle, as a kind of ideal–type model, to understand numerous cultures (which were much more differentiated than his historical scheme shows) and from there interpreted them in a simplified, ideologized key. Evola's concept suffers from another essential shortcoming: if only a departure from the principle, from the One, causes materialization" (which all leading traditionalists in the 20th century more or less agree with), "materialization" itself (ie its chthonic expressions) cannot be seen as a "counter-principle" which, in interaction with spirituality, leads to "descending corruption". "Materialization" could, from this angle, be seen as a mere consequence, since it is only a departure from the One, from the

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spiritual principle, which, almost by the "laws of mechanics", leads the cycle of existence downwards. To see the entire historical currents as a "descending" emanation from the eternal immobility of the One, the other principle is superfluous. This leads Evola's concept to an internal contradiction that cannot be overcome. Of course, including the consideration of the existence of spiritual forces that trigger negative processes of separation (beyond creation itself) from the One, would give a completely different perspective on the relationship between the created and uncreated world and their dynamic interaction ranging from pure spirit to sluggish matter. This is a perspective that, adhering to pre–monotheistic emanationist conceptions, is not shared by Evola and other traditionalists, but, without a deeper understanding, they reject it.

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Perenijalisti i ciklizam: Evolino viđenje istorijskih ciklusa*

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Sažetak

Određujući perenijalističku školu („Sofija Perenis") ili tradicionalizma kao alernativni tok mišljenja u 20. veku, koji smatra da u osnovama svih vodećih svetskih religija postoje istovetne univerzalne istine kroz koje se manifestuju na različite načine a vode transcedentalnoj spoznaji, rad prvo posmatra odnos perenijalista prema istorijskim tokovima. Utvrđuje se da su perenijalisti zagovornici emanacionističkog cikličnog viđenja istorije koja počinje odvajanjem od Jednog i, opadajućim cikličnim fazama, vodi ka povratku Njemu. Nadalje se posmatraju različita perenijalistička viđenja dužine trajanja faza ovih ciklusa. U drugom delu, rad analizira tradiciolističko učenje Juliusa Evola, njegovu verziju istorijskog ciklizma i njen uticaj na kulturnu dinamiku i pokušava da pruži odgovor na pitanje zbog čega je Evolino viđenje istorijskih tokova praktično bez većih uticaja na savremeno proučavanje istorijske dinamike.

Ključne reči: perenijalizam, tradicija, učenje o četiri doba, Julius Evola, uranski i htonski princip

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Adolf Hitler's Attitudes About Religion in the Book "My Struggle" („Mein Kampf")

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Abstract

The aim of this work is, through the analysis of the book „My struggle", especially its parts connected with religion and devotion and the most important facts about this complex topic, present to the modern readers Adolf Hitler's main ideas in the process of decreasement, and even often destroying of a religious factor in the everyday life of average Germans in the period between his entering into politics and the start of WWII and his project of solving the Jewish problem in the areas conquered by the German army. The complexity of this topic is also visible in the fact that there was a conflict in whole social life in Germany after losing WWI. The society in Germany after WWI had been searching for comfort and escape from poverty that happened after 1919, political instability and other destabilizing factors in religion, no matter is it Roman Catholicism, Protestantism or Judaism. For National socialists who were constantly getting more and more power, thanks to mistakes of other political movements, excellent organisation and endurance of its leaders, before all, Adolf Hitler, every kind of devotion that was not agreeing with the ideas of national socialism was declared as a political enemy. From today's perspective, we can say that Germany between the two World Wars was a very interesting area for researching the relationship between religion and politics, especially if we keep in mind that Hitler in his book defined the relationship between religion and its destroying, in the case when religion does not use to the political goals.

Keywords: Germany, national socialism, Adolf Hitler, religion, politics

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Adolf Hitler's Attitudes About Religion in Book "My Struggle" („Mein Kampf")

Since the second half of 1917, people in Germany had realised that they are definitely going to lose the war. According to the saved testimonials a few months before the end of the war, some Germans become much more devotional, because of definite defeat and unpredictable future. German people had also been hoping that some miracle will stop their defeat and that God's blessing will help them to overcome incoming turbulent times. Germany, as the country that was dominantly Protestant (Drummond, 1944, p. 212) and Roman Catholic, faced a huge shock on November 9th 1918. The founding of the republic meant not only the end of the German Empire but also the elimination of the influence of religion among the widest social classes. Following the ideas that have been existing in the USSR, that is to say, the ideas of Bolshevism and militant atheism, had deeply divided German society, much more than the catastrophic poverty and political instability.

For some German residents, religion still had a huge part in their lives, even after the war. Like in similar cases, this is visible in rural areas, where traditionalistic lifestyles kept strong despite revolutionary movements that affected German cities and industrial suburban areas the most. The situation in the cities and industrial centres was such opposition that we can talk about the atheisation of urban areas. From today's perspective, researches about this topic during the Weimar Republic are very easy, thanks to a load of sources.[1] At this moment, changes in the educational system in the Weimar Republic that happened during the first half of 1919, especially changes in religious education (Retter, 2018, p. 69), are very important for this topic. Nothing less important segment for this research is the segment

[1] For example, look at the list of literature listed in the paper: Klapp, T. (1974). The Catholic Labor Movement in Germany 1850–1933: A Survey and a Commentary. *Newsletter: European Labor and Working-Class History* 6, 14–19. For research in Serbian, look Gej, P. (1998). *Vajmarska kultura* [Weimar Culture]. Плато; Јањетовић, 3. (1998). Vajmarska republika i nemačka manjina u Jugoslaviji [Weimar Republic and German minority in Yugoslavia]. Tokovi, 1–4, 140–155...

of depreciation of German people, primarily by Frenchs, which is very good presented by a less–known medal "Schwarze Schande" that presents the reaction of german artists and many other social levels on torture of winner to the loser. So, the winner's distancing from Christian ethic values in the after-war period put themselves in a position where their morale and level of respecting Christian values were not sufficient, which was important in the society period between the end of the second and the beginning of the third decade of the 20th century, had it's the reaction.

German society in the years immediately after the war, the society where the influence of religion (Protestantism and Roman Catholicism) was dropping, thanks to the inactivity of priests from higher hierarchy and unreadiness to do any single step in the area of helping other people, normally created a lot of space for a lot of political organisation that wanted to get a leading position. Among those political organisations, there used to be „Nationalsozialistische Deutsche Arbeiterpartei" (NSDAP), today much more known as the "Nazi Party" („Die Nazi-Partei").

Adolf Hitler – "My struggle"

Karl Harrer (1890–1926) and Anton Drexler (1884–1942), persons who are usually mentioned as founders of NSDAP, are actually founders of „Deutsche Arbeitpartei" (DAP). But, the most famous person in this political organisation is definitely Adolf Hitler (1889–1945). My opinion is that is not necessary to give some more details from his biography, because there is a huge literature about it in many different world languages. In this work, I am focused on Hitler's relation to religion according to the book "My struggle" („Mein Kampf").

Primarily because of younger people, I will first give some details about the process of writing this book. Before all, Adolf Hitler with his adherents tried to attempt a coup d' état on November 8th/9th 1923 and take governance in Germany. After an unsuccessful coup d' état, he was arrested and he and his adherents had to go to a court trial. On April 1st 1924 Adolf Hitler got the five years-long prison sentence, which had to be served in the Landsberg Prison.

Hitler used his time in prison, together with Emil Maurice (1897–1972)

and Rudolf Hess (1894–1987) who were writing his opinions and attitudes, to create a book that was originally named "Four years of struggle against lie, stupidity and cowardice". The idea for this totally ugly name for the book was rejected and instead of it, a much better and more usable name was accepted – "My struggle". A very important detail is that the book was dedicated to one very interesting person – Dietrich Eckart (1868–1923) – a Hitler militant who died so only after an unsuccessful coup d' état and a member of Thule society, which was ideologically tightly connected with NSDAP, mostly because of occultism, which is important to say (Gudrik–Klark, 2004, 204).

"My struggle" can be seen as the chronique of thoughts of the person who extremely hardly accepted the fact that Germany lost the war and that Germany is collapsed. The collapse of Germany during and, especially, after the war between Hitler and many other Germans created a feeling of anger and the necessity of finding a guilty person who brought them into such a bad situation. With a strong feeling of national pride, a necessity for revanchism and the necessity for fighting with the ones who are guilty the most for loose and living in Germany, Hitler and his adherents opinion, make supported making a book like "My struggle". In the text of this book, it is very visible that the author thinks that the reorganisation of German society must be done and that people should be transformed into tools that will make necessary changes, even via war, if it is required. It is also visible that, for the author, pacifism is a deadly sin and that presents something inadmissible for him and part of the German people who are ready to follow the path of national socialistic ideology. Destroying of unlike-minded persons and those who are marked as defects that are going to interrupt the country into its progress to become one thousand-year-old Third Reich and to enter the Golden age is clearly written in the book.

The first tome of this book from Adolf Hitler is published on July 18th 1925 and the second is published in 1926. The publisher of the book was Franz Eher Nachfolger GmbH, under the leadership of Max Amann (1891–1957), presented the central publisher of NSDAP and that company knew that publishing Adolf Hitler's book would result in the promotion of his

ideas from his early phase of political work and that it would present a huge income for the political organisation and author.[2]

Relation With the Religion in Book "My Struggle"

Hitler's constatation: "By defending from Jews, I am struggling for the act of the Lord" (Hitler, 2001, p. 48) is often used when it is discussed about the early phase of his hate for Jews as the people and believers of "Marxistic religion", as he was thinking. Mentioning of struggling for the Lord's act does not show Hitler as some huge Christian with extremistic attitudes and behaviour who help a lot to the Christian religion and some Christian Churches (for example, Roman Catholics or Protestants, that were dominant in Germany in the period of writing this book), of course. In fact, during all his life, except for his early childhood when he wanted to become a priest when he grew up, as he says[3], he used to use Christianity as a way of achieving political goals and one segment of his political happenings. One thing that should be mentioned, and analysed deeper, is that Hitler wanted to copy the way of organizing the early Christian Church to the organization that he is going to found during the 1920s, that is to say, in NSDAP, from his engaging in a political scene of Germany to the time when he got the ultimate leading position. So, Adolf Hitler used to use several millenniums old messiah ideas very skillfully. In fact, he did not use this idea in terms of religion, but in the term that is used in Judaism, that is to say, in terms of waiting for the Messiah that will win Romans and found the Empire that will last for thousand years. Millennialism often presents a strong political base, as history shows. It was

[2] This very controversial book is also one of the most sold books in the world. The only edition in the German language of "My struggle" that is published after December 31, 2015, that is to say, after it had become royalty-free, is sold in 85,000 copies. One part of people support attitudes of unnecessity of publishing this book, but, if we keep in mind the economical benefits for publishers, it should not be wondering why publishers still print this book in many languages. According to some documents, Adolf Hitler had earned more than 150 million US dollars only from publishing his book.

[3] I must mention that young Adolf Hitler, who was baptized in the Roman Catholic Church, used to participate in worshippings in his local church in the town where he used to live with his parents, but, he was suspended from it because of smoking, according to some researchers.

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accepted by Germans after losing WWI because of the wish to set them free from the embarrassing position of war–losers and to fulfil their dream of the Third Reich.

The organisation of NSDAP, as I have already mentioned, is plagiarized, because it had fully copied the organization of the early Christian church. In the centre, there is a person who is presented as the Savior, the Messiah. His closest cooperators have got to spread the ideas, like apostles. Also, there are a lot of things with some symbols and deeper meaning– for this work, I have to mention that there is a book that can be compared with the Holy Bible. In Germany, Hitler's "My struggle" in one moment became more dominant than Bible (Bald, 2014, pp. 335–336)

"My struggle", if we analyse it as a political pamphlet and as a 'religic', or better worded 'holly' book at the same time, is a book of one pseudo-religion that had been developing which showed a tendency to switch on new instead of old. But, compared with a Christian idea of switching from an old men's life full of sins into a new life full of belief in God and Savior, in national socialism, we have got one different concept. Hitler many times tried to connect the current geopolitical situation and weakness of the German state after and before WWI with fights between Roman Catholics and Protestants. Sometimes, even some random happenings in a past, like during the governance of the Habsburg monarchy connects with a slovenisation of Austria through a negative influence of Czech Roman catholic priest and similar. This happening, he concludes that it happened because of the weakness of the German people. But, this recognition of German weakness and German escaping from problems is not entirely his original thought. Hitler accepts ideas from persons like Georg von Schoenerer (1842–1921) about the realisation of goals presented in the slogan „Los von Rom Bewegung!" ("Away from Rome!"). Influenced by this and similar ideas, Hitler said: "In the ethnic clean German municipalities, Czechs priests are brought and they put Czechs interests above interests of the Catholic church and presents the tool for degermanification process!" (Hitler, 2001, p. 77). A little bit later, more precise in 1938, by the annexation of the Sudetes area, Hitler 'solved' the problem of Czechoslovakia on his way, as he had previously

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described in "My struggle".

According to the attitudes exposed in the book "My struggle", Adolf Hitler equally attacks Protestant and Roman Catholic churches in Germany. As we know, he puts nationality as a dominant question. The difference with Christianity, which rejects the importance of nationality because of problems that had appeared even in the period of the apostles,[4] Hitler in his ideas wanted to use priests, especially priests in the upper hierarchy, as a tool for increasing German national feelings, as it mentions Radomir Smiljanić in his translation of "My struggle".

If we analyse chronologically Hitler's attitude towards religion, we can see that, at the beginning of his political campaign, he declares himself a Christian, and then he uses some of the elements from religion in his political engagement, for example, celibacy of Roman Catholic priests. As he says, celibacy is "a source of incredible huge strength, which lies in this old institution (church – A/N). Because this huge army of priests is constantly increasing by people from the lowest social levels, Church does not only keep the instinctive relation with people but also provides itself huge enough sum of energy and labour force, that will exist only in the wide range of people" (Hitler, 2001, p. 281). But, we should not exclude the fact that "My struggle" was written in the early phase of Hitler's political engagement. In the upcoming period, some elements will have been changed. Also, some segments of this pamphlet became the reason for the attack on some groups of German society with the aim of their conversion into ideas of national socialism or making them extinct. Because of this, Hitler's relationship with Christianity has also got some kind of "development". For example, at one meeting in 1928 in Passau, Hitler gave a speech where he said: "We won't tolerate any person in our organisation who attacks ideas of Christianity... In fact, our movement is Christian."[5] The reason for saying something like this was that 95% of Germans in the 1930s were

[4] See: Acts of the Apostles, Chapter 15.
[5] See: Vasilik, V. (2015, May 15). *Zver iz bezdny* [Beast from the abyss]. Pravoslavie. http://www.pravoslavie.ru/79018.html (05.08.2021).

Christians. In that surrounding, supporting the idea of atheism would lead directly to political failure. But, at the time, while Hitler's movement was becoming more and more popular, the relationship between protestants and Catholics was changed. Well, the relation was often determined by the attitude of religic organisations towards a political ideology that was promoted by Adolf Hitler and his party. As a classical example, we can use Johann Heinrich Ludwig Müller (1883–1945) who will get closer to Hitler and become the first man in the movement „German Christians", and then, on September 27th 1933, the "episcope" of German evangelistic church (Baranovski, 1980, pp. 299–300; Brovko, 2012, pp. 86–95). He will work in this position for only two years because he will give fire under the pressure of the Roman Catholic church and other protestant religic communities. After that, he enrolled himself in Gestapo. He committed suicide on July 31st 1945 in Berlin.

On the other hand, Hitler's relation with other confessions in"My struggle" is generally in the range between disrespect and total hate on one side (on this level is Judaism) up to weak liking and accepting (on this level were cults and pagan beliefs of German people before accepting the Christianity). In fact, the idea of domination, the idea of the Aryan race above other people, the idea that will have become the leading thought for Hitler is also mentioned in "My struggle". "We, the Aryans, can imagine the state as an organism of one nation that does not only insecure keeping alive this nation, but also the further development of its moral and other possibilities that lead to the ultimate freedom" (Hitler, 2001, p. 257). Those attitudes were ideal for developing the idea of destroying or transforming the Christianity into some new shape, or into "Christian-Identity-Bewegung", as it was promoted by Alfred Ernst Rosenberg (1893–1946) making, even from today's perspective, some incredible mixture of different messiah ideas, then attitudes shown in Upanishads, ideas of Zoroastrianism and ideas of John Eckhart, widely known as Meister Eckhart (1260–1328). Nothing less important person in creating a "nazi Christianity" initiated by Hitler's attitudes from "My struggle" and about race dominance, which presented the basis of national socialism during the 1930s, is Karl Maria Wiligut (1866–1946), who had the freedom of creating and publicly exposing the most

fabulous religic ideas specific for short time lasting Third Reich, thanks to the influence he had on Heinrich Himmler (1900–1945), which still waits for some further research.

"The Jew had achieved his goal – Catholics and Protestants are having a religious war, while the deadly enemy of the Aryan men and whole Christianity is laughing to us" (Hitler, 2001, p. 358). In this sentence, we can probably find the whole answer to the "religic question", not only in "My struggle", but also in his pathological hate for Jews. Many interesting pieces of research about this the general political situation in Germany after the Great War. It is unnecessary to talk about s are published.[6] An interesting thing about this topic is that Hitler often used Judaism consider equal to marxism, which is to say, one pseudoreligion that was not only spread in the USSR but also all around Germany and was one of the most important political elements in this state when "My struggle" was being written. It is obvious that Hitler was afraid of the bolshevisation of Germany. This bolshevisation, as he was thinking, is the direct consequence of the joining of Jewish money in the process of destroying everything german, and before all, german identity (Hitler, 2001, p. 398). Those and similar constatations were easy to understand and popular among a wide range of people. As the time will show, Hitler included in his political programme one sentence that Jewish were yelling to Pontius Pilate: „His blood on us and our children!" (Mt. 27: 25). Hitler easily manipulated the feelings of people that were not taught enough with the learnings of Christianity, thanks to characterizing the Jews as guilty of the internal crisis of the German people. For many Germans, especially after the Great War, the idea of revanchism and fighting with someone who is guilty of their problems was very interesting. In his political programme, Hitler provided that possibility and people, together with other promises, accepted it very easily.

[6] I am going to recommend some of the recent papers on the Russian language about the evolution of Hitler's relation towards Jews and creating something which is today named as "Final Solution": Palamarčuk, E. A. (2014). Антиеврейская политика в нацисткой Германии в освещении ,,Нью-Йорк Таймс" за 1933 год. [Anti-Jewish Politics in Nazi Germany in New York

Conclusion

The book "My struggle" should be considered a political pamphlet that was written with the aim to popularise the national socialistic movement om Germany during the hard years after the Great War. When the ideas of this book are deeply analysed, in the content of this pamphlet, the tendency for getting governance is easily noticed. The ideas that Hitler writes down in "My struggle" are not original, of course. In the end, Hitler is actually a plagiarist that easily promises things that a wide range of people in Germany wish during the huge catastrophe that had occurred after WWI, as we can see from his book. The fact that „My struggle" was published during the period of Hitler's early political engagement, and at that time, german society was still carrying some Christian ethical elements, so Hitler had to present himself as a Christian.[7] Later, as Hitler's governance was becoming stronger, the change of relation to the traditional religions occurred and the idea of creating some new religion where the central god would be Germania, according to Max Domarus (Domarus, 2007, 21), was intensively being realised. But, when we talk about Hitler, we cannot be completely sure whether he was an atheist or not. His religiosity is actually the only religiosity of a politician, which is determined by a bigotism and increasing the reputation. Also, his religiosity and compilation of different religions and beliefs, usually pagan, also exist because of fulfilling his political ambition (Bullock, 1991, 298). „My struggle", despite modern attitudes about publishing this book, presents a very interesting book for that one who wants to analyse some events about Hitler's rise on

Times Coverage, 1933], *Vestnik Surgutskog gosudarstvenhogo pedagogičeskogo universiteta*, 176–187; Hderu K. J. (2017). Evrei v Germanii: zaroždenie i razvitie idej antisemitizma [Jews in Germany: the origin and development of the ideas of anti-Semitism]. *Vestnik Rossijskogo universiteta družby narodov*, 4, pp. 331–340; Korotkij G. A. (2017). Gitler, intellektualy i massy [Hitler, intellectuals and the masses]. *Filosofija i kul'tura*, 6, 56–68...

[7] Let's mention that Hitler after he got the governance, organised some religic sections among nazistic party that had a duty to fight against atheism and the fact that soldiers on their waist belts had a sign „Gott mit uns", so those fact are proof that religion and personal life of the soldiers had some importance in that society, probably because of the influence of the priest PhD Bernard Stempfle (1882–1934), close Hitler's cooperant from the beginning of his political career.

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the German political scene from today's perspective. Compared with German communists who were rising up against religion, as their idols from USSR were doing, Hitler actually balanced his attitude towards religion and skillfully used it as an element for getting and keeping governance. Analysing the relationship of higher church hierarchy with a wide range of german people and their detachment from the poorest part of german society is very important during some deeper research about Hitler's attitude towards religion in his early political life. Hitler's noticing of this and similar problems in "My struggle", combined with good rhetorical skills, once again presents that he knew what people in that time want to hear (Vermisev, 2014, p. 232). In that way, the opinion on religion in "My struggle" and on mass events was changed according to public rating. A delicate personal opinion on religion and generally on beliefs during the 1920s in Germany influenced the final version of "My struggle".[8] The work of PhD Bernhard Stempfle and Elsa Bruckmann (1865–1946) on creating Hitler's book was focused on political skilful determining the author's opinion on Christianity and Judaism.

[8] The papers of Konrad Heiden (1901–1966) can help as a lot about this topic, but they still have not been published in Serbian.

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Stavovi Adolfa Hitlera prema religiji u delu „Moja borba" („Mein Kampf")

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Sažetak

„Moja borba" („Mein Kampf"), delo čiji je autor Adolf Hitler, kada je reč o odnosu religije i politike, predstavlja nedovoljno proučen izvor za podrobnije razumevanje odnosa nacionalsocijalizma prema različitim religijama koje su egzistirale unutar nemačkog naroda u vremenu nastanka i nestanka jednog od najzloglasnijih političkih pokreta u istoriji čovečanstva. Cilj ovog rada je da kroz analizu teksta knjige „Moja borba", to jest onih njenih delova koji se konkretno dotiču religije i religioznosti, kroz zaista najosnovnije napomene ove inače kompleksne teme, približim savremenom čitaocu ideje kojima se Adolf Hitler rukovodio u procesu umanjenja, a neretko i odstranjenja, religioznog faktora u svakodnevici života Nemaca u periodu njegovih početaka angažovanja na političkoj sceni, pa sve do početka Drugog svetskog rata i započinjanja projekta reševanja jevrejskog pitanja na prostorima koji su bili osvojeni od strane nemačke armade. Kompleksnost ove teme, između ostalog, projavljuje se i kroz činjenicu sukoba ne samo na političkoj, nego i na čitavoj društvenoj sceni Nemačke u vremenu neposredno nakon poraza 1918. godine. Društvo u onom obliku kakvo je bilo društvo u Nemačkoj nakon Prvog svetskog rata, prevashodno njegov materijalni položaj u koji je dovedeno posle 1919. godine, politička nestabilnost i čitav niz drugih destabilišućih komponenti, pronalazilo je određenu utehu i osećaj

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sigurnosti u religiji, bilo rimokatolicizmu, protestantizmu ili judaizmu. Za nacionalsocijaliste, koji su jačali zahvaljujući greškama drugih političkih organizacija, ali i nesumnjivo dobrom organizovanošću i istrajnošću svojih lidera, a pre svih Adolfa Hitlera, svaki oblik religioznosti koji se nije slagao sa idejama nacionalsocijalizma, pre svega se posmatrao kao politički neprijatelj. Iz današnje perspektive mi slobodno možemo reći da je Nemačka u periodu između dva svetska rata bila i te kako interesantan prostor za proučavanje pitanja odnosa religije i politike, pogotovo imajući u vidu okolnost da je upravo kroz delo ,,Moja borba", sam Adolf Hitler postavio osnovne postulate odnosa prema religiji i potrebi njenog uništavanja ukoliko ne koristi političkim ciljevima.
Ključne reči: Nemačka, nacionalsocijalizam, Adolf Hitler, religija, politika

Edvard Snouden:
TRAJNO ZABELEŽENO

Vulkan izdavaštvo, 2019.

[Review of the book *Permanent Record*, by E. Snowden]

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Review

Edward Snowden is a systems engineer who was an employee of the Central Intelligence Agency and worked under contract for the National Security Agency. Snowden became publicly known upon exposing a series of secret and illegal acts of intrusion into the deep intimacy of each individual carried out by the "NSA" and the "CIA" in 2013, with the help of journalists from the "Guardian" and the "Washington Post". These illegal activities mainly involved: mass surveillance programs, disrespect of independence, eavesdropping, recording, the daily undermining of innocent people's privacy and the utmost control over the citizens of the USA and of the rest of the world. The book "Permanent Record" explains the thorny path of finding out and disclosing information, talking about the destructive power of information and communication technologies for human rights to freedom and privacy. The book is the latest testimony of Edward Snowden, which was published during his political asylum in Russia which he himself requested because he faces decades in the United States for revealing a state secret. The main objective of his awareness-raising effort was to restore citizens' trust in institutions, whereas Snowden's revelation of the US Government's activities to restructure global communication networks led to continuous exposure of accountable ones to public dissatisfaction.

This book consists of two parts. The first part describes Snowden's childhood in the multicultural Beltway, with the inhabitants predominantly coming from the diplomatic, intelligence and government corps, and with the social milieu of parents belonging to a class of professional civil servants, i.e., "shadow government", his growing up online since he was 12, hacking for fun and the protection-of-independence related activities during his teenage years, which resulted in his poor academic success. The first part also focuses on his military enlistment and the strong urge to serve his country. The second part of the book depicts Snowden as an employee who was observing others through his Window screen, his thorough familiarisation with the system, his self-questioning, personal doubts, a conflict between the mind and the heart, his fears and eventual disclosure of confidential and well-kept secrets which may help us understand a new reality in which people are victims of their curiosity sometimes.

As Snowden was analysing the events back in 2001, he started to realize that 3000 Americans got killed during one attack, whereas half a million people

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died as a consequence of the US retaliation. He lost his confidence in the US system when he got hurt during his military service, where everybody around him remained ignorant of his injury, refraining from assuming any responsibility, in spite of obvious guilt. He describes this as a moment of self-awakening after figuring out that what is not beneficial for the public is beneficial for the elite, and upon realising what China and Russia were doing publicly to their citizens by imposing censorship and dictatorship and that the USA was carrying out its secret operations throughout the world thanks to its wide-spread sovereignty, with over 90% of the internet infrastructure as well as the global internet traffic being managed by the technology belonging to the US Government and the US companies. He finally understood that if he truly wanted to serve his country, he would be able to accomplish it only by using the technology, but in the end, once he faced the truth, he felt betrayed since the "technology does not have a Hippocratic oath", as he describes.

It was just after the CIA's series of failures in connection with 11 September 2001 that he signed an employment contract; CIA was at the time divided into five divisions: Directorate for espionage, Directorate for the analysis of espionage results, Directorate in charge of procuring communication and espionage equipment, administrative Directorate for liaison with the Government and the largest Directorate was the one for "support, which was managing the Agency's Washington-Metropolitan server architecture", covering all the "systems that were transmitting, receiving and storing intelligence" to which he was attached (pp. 136-137). What makes these memoirs especially interesting is a detailed description of materials that Snowden had access to thanks to his profession and the privilege of being a system administrator, where these materials ranged from information about alien existence to the most kept state secrets. Snowden named a key automatized platform, verifying whether they are any unique documents, a "Signal of the Heart", and by means of this platform, he came into possession of the documents that he further circulated among the journalists. The journalists played a crucial role in this Snowden's discovery of confidential and highly protected documents, for the disclosure of which he was facing at least 10 years of imprisonment for just one publicized document, and it is because of this, among other things, that the university professors are integrating this book into the list of mandatory and supplemental literature to be studied by the journalism students. While

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reading this book, it is of extreme importance to get acquainted with the character and the work of those journalists and media that Snowden has chosen to publicize the data which he has protected with multiple encryptions. One of the most challenging tasks was to explain complex issues to the journalists in such a manner to make them comprehensible. His long-planned selection included those journalists whom the state had already marked as the "national security disruptors". Laura Poitras is perhaps the most significant among them, since she recorded all this in her famous documentary "Citizenfour", thanks to which this story became globally known.

When deciding about the location for meeting the journalists, Snowden opted for Hong Kong, since he considered it the safest place in the world at that particular moment, however, the Government of Hong Kong, in the months following the publication of these documents, was unable to provide him with the international protection on their territory. His second option, as a consequence, was Ecuador, but that summer the US Government revoked his passport, which is why upon reaching the first airport in Russia he started cooperating with the Russian Intelligence Service, being denied his political asylum application by 27 countries.

The main thesis of the author is that all the inhabitants of the world are monitored and that their privacy is endangered in many ways. The author does not provide an alternative to the stated position, nor does he give a lot of advice on how digital movements could be protected from surveillance and manipulation of personal data. It is important to emphasize that the author's arguments must be read and understood from an angle in which he cannot completely remove the emotional fear of persecution from the country for which he was raised to serve it in a particularly patriotic way. The author, who grew up in an environment where service to the country was highly valued and trusted, is disappointed when he learns the truth and under the impression of disappointment writes lines of a book from the political asylum of a country that is the greatest opponent of the United States. It is necessary to read the book in Aesopian terms and subject it to scientific analysis and analysis of the prevailing life, political and economic circumstances on each new page because the author's free argument can be attributed to the political views of the country where he is in the asylum. The book is deeply ideological, although it

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seems that in the technological sense, ideology is of secondary importance, the author's personality is such that his internal motives drove him to performances for which he became famous, for some, and for some, he became a threat to national security.

This is the book about cyber espionage and unveiling the internet which has changed its nature and its infrastructure over the years, from its inception until today, starting from total anarchy and a large number of criteria that had to be fulfilled in order to access the network, to the provision of internet access to a half-literature person which we have nowadays. Due to the lack of familiarity with the behind-the-scenes network operations, the global spreading of digital technology has greatly facilitated the process of accessing a target by means of a computer, where an agent can use only one email with the attachment or a link (signals intelligence without any contact with the individual), and make the user accept a malware program, exposing not only himself but the entire network. CIA agents are using a search engine without any identification, but once they are tracked down it becomes apparent that the agencies are hiding behind harmless companies, with a lot of money and efforts invested in remaining undiscovered.

Most citizens become anxious when it occurs that somebody might actually be monitoring their communication, be it photographs or messages, over which they believe to have active control, however, the real truth is that the communication content is of less importance than numerous unwritten and unspoken information beyond the user control, which may point at the broader context of user behaviour, i.e. metadata about everything citizens do on their devices and what the devices do by themselves. To support his claim that all our controlled and uncontrolled activities are backed up and stored, Snowden elaborates on his work in “NASA” while being in Japan and at some other locations. He exposes a hostile aspect of the internet and of the information sharing, as well as of our internet search for the wanted information which we obtain instantly, but which comes in a package along with the surveillance program, given that any “URL” request for reaching a certain server will first have to pass through a “Turbulence”, which represents a room where the agency and other stakeholders operate under a justification that the act of

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sharing information with any third party legitimize their right to violate privacy, which is generally guaranteed by the Constitution.

In his book, Snowden reveals secret programs not only of targeted but also of mass surveillance that permanently collects data from citizens, hence the very title of the book, “Permanent record”. Snowden has never displayed any signs of remorse for his research of active abuse and the revelation of the ordinary citizens’ surveillance by the US Government and the governments of the US allies, such as Australia, Canada, New Zeeland, and Great Britain, as well as by those companies, on the servers of which our data are being stored, where such data actually represent our personal property, though nowadays are the least protected. Although it sounds paradoxical that Snowden's rights are defended by a country that controls its citizens in the same way for the purposes of quasi-national security, there are numerous advantages that Russia skilfully exploited Snowden for the sake of positive publicity, for example, a kind of rebellion against the misuse of personal data has emerged in the average digital consumer, which will force him to resort to encryption systems in order to neutralize the fear of negative surveillance and the higher awareness that everything we have ever created on the network might remain stored forever and be available to “Personality analysts” whose only task is to find out as much as they can about us, if not everything, because rarely do we manage to keep anything only to ourselves as a result of our digital addiction.

AUTHORS GUIDELINES

The journal Kultura polisa [The Culture of Polis] publishes papers resulting from the latest theoretical and empirical scientific research from a wide range of social sciences. When writing papers, authors should refer mainly to the results of scientific research that have been published in scientific journals.

Registration fee

The journal Kultura polisa is an open access scientific journal (OAJ) of both non-commercial and non-profit nature, and for the scientific papers published by the journal to be free for readers, which we consider to be of great interest due to the dissemination of scientific knowledge and results of the latest scientific research, the journal charges a registration fee for publishing papers in the amount of 20,000.00 RSD (twenty thousand dinars). Authors whose papers receive positive reviews and are accepted for publication will be contacted by the editors of the journal with instructions for paying the registration fee.

Language requirements

Papers are published in English, British version (United Kingdom). Domestic authors, in addition to the text in English, should also submit the paper in Serbian, Latin alphabet. On occasion, a paper may be published in Serbian, with the prior explicit approval of the Editor-in-Chief. Papers in both languages must fully meet the standards of proofreading, i.e. grammatical and spelling correctness, which speeds up the process of selection of papers. If the submitted papers do not meet the stated standards, they will not be considered for publication.

Paper structure

The paper should have the following structure: names and affiliations of author(s) (name and surname, address of their organization/institution and e-mail address of the author for correspondence), title, abstract (150-250 words), keywords (4-6), text, list of references. All structure elements must meet the Conditions for editing scientific journals, which are published as Annex 1 to Pravilnik o kategorizaciji i rangiranju naučnih časopisa [Rulebook

on categorization and ranking of scientific journals („Službeni glasnik RS“, broj 159 od 30. decembra 2020).

Name(s) of author(s)

The surname(s) and initial(s) of (all) author(s) should be written in their original form (with Serbian diacritical marks, diacritical marks used in other world languages or diacritical marks in alphabets of national minorities and ethnic groups). The surname(s) and initial(s) of the author(s) name(s) are written without stating one’s position and title.

Author's institution name (affiliation)

Full (official) name and seat of the institution/organization where the author is employed at should be stated, and, occasionally, the name of the institution where the author conducted their research. Independent researchers and authors to whom scientific research is not their primary profession should also indicate their status. In complex organizations, the overall hierarchy of that organization is stated. In the hierarchy of organizations, at least one must be a legal entity.

Contact Information

If there is more than one author, only the address of one author who is in charge of communication should be given. ORCID numbers (https://orcid.org/) should be stated for all authors.

Title

The title gives the first impression of the work which is why it is important that it describes the content of the article as faithfully as possible, but also attracts attention and provokes interest to read that manuscript. It is in the interest of the journal and the author to use words suitable for indexing and searching. Try to be concise and write the title of your paper in as few words as possible.

Abstract

An abstract is a short informative presentation of the content of an article that allows the reader to quickly and accurately assess its relevance. It is in the interest of journals and authors that abstracts contain terms that are

often used to index and search articles. Elements of the abstract are the aim of research, methods, results and a brief conclusion. The abstract may also contain other elements - national, regional, cultural context, the social background of research, national significance of research, etc.

Keywords

Keywords are terms or phrases that thematically, theoretically, methodologically, disciplinary, subdisciplinary and in other relevant ways refer to the content of the article for indexing and searching. In principle, they should be assigned based on an international source (list, dictionary or thesaurus) that is most widely accepted either within the given scientific field (e.g. in the field of medicine, Medical Subject Headings) or in science in general (e.g. Web of Science list of keywords). In identity sciences, keywords also reflect the need to preserve the cultural, scientific and technological heritage of the Republic of Serbia. Keywords are given immediately after the abstract and in the language of the abstract. For papers to be more searchable it is recommended that keywords not be the words used in the title, unless it is a word that does not have an adequate synonymous replacement and is very important for search.

Text of the paper

Text of the paper should be in Word document format, as follows:
- font: Verdana;
- page size: 6.69" (17 cm) x 9.45” (24 cm);
- margins: Top 0.87 "(2.2 cm); Bottom 0.87" (2.2 cm); Left 0.87 "(2.2cm); 0.87" Right (2.2cm);
- to write the text use font-style normal font (upright), unless otherwise stated;
- line spacing in the text: 1.15 pt;
- line spacing in footnotes: 1 pt;
- font size of the title: 14 pt bold;
- font-size of subtitles: 11 pt bold;
- font-size of body text: 10.5 pt;
- font-size of footnotes: 9.5 pt;
- font size for tables, graphs and figures: 10 pt;
- indentation of the first line of the paragraph: 0.5 (1.27 cm) (option: Paragraph /Special /First line);

- text alignment: Justify;
- text colour: Automatic;
- page numbering: no numbering;
- do not break words by entering hyphens in the next line (Paragraph /Line and Pages /don't hyphenate);
- save the paper in Word 97-2003 Document format (* .doc).

A scientific article can have a maximum of 30,000 characters with spaces, including the list of references, written and formatted according to the general guidelines for word processing found at the end of this guide, in the section "Text formatting". On occasion, a monograph study may be larger, but not less than 40 pages per author, in accordance with the provisions of the Rulebook on Procedure, Evaluation and Quantitative Expression of Scientific Research Results („Službeni glasnik RS", br. 24/16, 21/17 i 36/2017). Book reviews can contain text of up to 1,500 words.

Thank-you note

The name and number of the project financed from the budget, i.e. the name of the program within which the article was written, as well as the name of the scientific research organization and the ministry that financed the project or program, are stated in a special note after the conclusion, before the list of references.

Previous versions of the paper

If the article was presented at a conference in the form of an oral statement in a previous version (under the same or similar title), that piece of information should be stated in a special note at the bottom of the first page of the article. A paper that has already been published in a journal or a collection of papers cannot be published in another journal under a similar title nor in an amended form, in terms of evaluating scientific research results.

Submitting papers

The journal is published three times a year. Deadlines for submitting papers are February 1st, May 1st and September 1st.

The authors are obliged to submit a signed and scanned author's statement when submitting their paper, stating that the paper (wholly or in

part) has not been previously published, i.e. that it is not auto-plagiarism or plagiarism.

The statement form can be downloaded from the journal's website:

https://kpolisa.com/korisno/AutorskaIzjavaZaKulturuPolisa.pdf

Submit papers by uploading them on the electronic platform of the journal – click on the Make a Submission button, on the right side of the cover page of the journal, or find the same option in the drop-down menu (About us – Submissions).

Citation rules

The journal Kultura polisa uses the APA citation style, 7th edition, which includes citing bibliographic parentheses according to the author-date system in the text, as well as a list of references with bibliographic data after the text of the paper.

If non-Latin alphabet material is cited in the English text, references should be transcribed into the Latin alphabet. In APA style, the list of references must be displayed in alphabetical order, which would not be possible if the references were in another alphabet. When citing sources written in another language, the title of the source (article/book/book chapter, etc.) in the list of references should be translated into English in square brackets immediately after the original title, without using italics in square brackets. The title of a journal or an edited book (collection), as well as the name of the publisher, must also be written in the Latin alphabet, but they do not have to be translated. If there is an official English translation, it can be used, especially in cases where it provides a better understanding of the topic or publication.

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

Bibliographic parentheses are usually put at the end of the sentence, before the punctuation mark, and contain the author's surname, year of publication and the corresponding page number(s), according to the following example: (Bjelajac, 2017, pp. 15-17).

Monograph (Book)

Single author

Surname, initial (s) of the name(s) (if the author uses a middle name, first write the initial of the personal name, space, then the initial of the middle name). Year of publication in parentheses. *Title*. Publisher (without stating the seat of the publisher, unless the seat is an integral part of the name of the publisher, such as the University of Belgrade).

Bjelajac , Ž. (2017). *Bezbednosna kultura – umeće življenja* [Security Culture - the Art of Living]. Univerzitet Privredna akademija: Pravni fakultet za privredu i pravosuđe.

(Bjelajac, 2017, p. 25)

Fukuyama, F. (1992). *The End of History and the Last Man.* Free Press.

(Fukuyama, 1992, p. 65)

Two authors

Author Surname, Initial(s)., & Author Surname, Initial(s). (Year). *Title.* Publisher.

Despotović, Lj. & Jevtović, Z. (2010). *Geopolitika i mediji* [Geopolitics and Media]. Grafomarketing.

(Despotović & Jevtović, 2010, pp. 34–36)

Krastev, I., & Holmes, S. (2019). *The Light that Failed.* Allen Lane.

(Krastev & Holmes, 2019, pp. 23–24)

Three or more authors

Author Surname, Initial(s)., Author Surname, Initial(s)., & Author Surname, Initial(s). (Year). *Title*. Publisher.

Milisavljević, B., Varinac, S., Litričin, A., Jovanović, A., & Blagojević, B. (2017). *Komentar Zakona o javno-privatnom partnerstvu i koncesijama: prema stanju zakonodavstva od 7. januara 2017. godine* [Commentary on the Law on Public-Private Partnerships and Concessions: According to the State of

Legislation From January 7, 2017.]. Službeni glasnik & Pravni fakultet Univerziteta u Beogradu.

(Milisavljević et al., 2017, p. 37)

Editor / compiler / translator instead of author

If there is an editor instead of an author, insert the editor's name in the place of the author's, followed by (Ed.) or (Eds.) for more than one editor.

Kaltwasser, C. R ., Taggart, P., Ochoa Espejo, P., & Ostigoy, P. (Eds.). (2017). *The Oxford Handbook of Populism.* Oxford University Press.

(Kaltwasser et al., 2017)

Same bibliographic parenthesis, multiple references

1) *Different authors - References separated by semicolons.*

(Stepić, 2015, p. 61; Knežević, 2014, p. 158)

2) *Same author, different years - State the author's surname, and then the years of publication of different references in the order from earliest to most recent and separate them with a comma, i.e. a semicolon when stating the number of pages.*

(Stepić 2012, 2015) ili (Stepić 2012, p. 30; 2015, p. 69)

3) *Different authors, same last name - Some authors have the same last name, if this happens the initials (s) of the author should be added in all citations, even if the year of publication is different.*

(Subotić, D., 2010, p. 97), (Subotić, M., 2010, p. 302)

(Williams, A., 2009), (Williams, J., 2010)

Book / Proceedings – Chapter

Author of chapter Surname, Initial(s). (Year). Title of chapter. In Editor of book Initial(s). Editor of book Surname (Ed(s).), Title of book (Edition if not first., Page numbers). Publisher.

Stepić, M. (2015). Pozicija Srbije pred početak Velikog rata sa stanovišta Prvog i Drugog zakona geopolitike. In M. Stepić i Lj. P. Ristić (Ur.), *Srbija i geopolitičke prilike u Evropi 1914. godine*. (pp . 55–78). Gradska biblioteka u Lajkovcu i Institut za političke studije u Beogradu.

(Stepić, 2015, p. 61)

Lošonc, A. (Ed.) (2019). Discursive Dependence of Politics With the Confrontation Between Republicanism and Neoliberalism. In D. M. Vukasović, & P. Matić (Eds.), *Discourse and Politics*. (pp. 23–46). Institute for Political Studies in Belgrade.

(Lošonc, 2019, p.)

Journal Article

Regular Edition

Author of chapter Surname, Initial(s). (Year). *Title of journal/periodical*, *Volume*(Number), page range. DOI (if available)

Gaćinović, R. (2020). Sistem kao izraz uređenosti određene delatnosti u društvu [The system as an expression of the orderliness of certain activity in society]. *Kultura polisa*, *17*(41), 247–258.

(Gaćinović, 2020, p. 253)

Bjelajac , Ž. Đ., Dašić, D., & Spasović, M. (2011). EU environmental policy and its criminal law framework. *Medjunarodni problemi*, 63(4), 567–582. https://doi.org/10.2298/MEDJP1104567B

(Bjelajac et al., 2011, p. 571)

Special Issue or Special Section in a Journal

Editor Surname, Initial(s)., Editor surname, Initial(s)., & Editor Surname, Initial(s). (Eds.). (Year). Title of the special issue [Special issue]. Journal title, volume(issue). DOI broj (if available)

Bjelajac, Ž. Đ, & Filipović, A. M. (Eds.). (2020). Pedofilija – Uzroci i posledice [Pedophilia – Causes and Consequences] [Special Issue]. *Kultura polisa*, *17*(1).

(Bjelajac & Filipovič, 2020).

Campbell, K., Lustig, C., & Hasher, L. (Eds.). (2020). Aging and inhibition: The view ahead [Special issue]. *Psychology and Aging*, *35*(5).

(Campbell et al., 2020)

If you are citing an article within a special section or issue (rather than the entire issue or section), use the format for a journal article. You do not need to include the title of the special section or issue.

Delibašić , V. (2020). Krivičnopravna zaštita dece od seksualnih zloupotreba [Criminal Protection of Children From Sexual Abuse]. *Kultura polisa*, *17*(1), 53–67.

(Delibašić, 2020, p. 58)

Blog

Author Surname, Initial(s). (Date in full). Title of blog post. *Name of blog*. URL

Lee , C. (2010, November 18). How to cite something you found on a website in APA style. *APA Style Blog*. http://blog.apastyle.org/apastyle/2010/11/how-to-cite-something-you-found-on-a-website-in-apa-style.html

(Lee, 2010)

The author of the blog may use a screen name, if this is the case then use the screen name in place of the author.

If the author is not indicated on the blog, the name of the blog is used, as well as when quoting a reference with a corporate author.

JCU Library News. (2019, May 28). Reading challenge reviews: Football heroes and tragics. *JCU Library News*. https://jculibrarynews.blogspot.com/2019/05/reading-challenge-reviews-football.html

(JCU Library News, 2019)

Tables and Figures

Tables and figures are attached as an appendix at the end of the article, starting from a new page after the list of references. The title of a table/figure is written above it, and below the word Table/Figure with a number indicating the order in the text, with one space – spacing 1.15, space 6pt Before and After - alignment justify, without indenting the text, according to the following example:

Table 2

Title

Figure 1

Title

Below the table/figure, with one space - line spacing 1.15, space 6 pt Before - a note is added. There are three types of notes - those describing the contents of a figure that cannot be understood from the figure title, an image and/or legend alone (e.g., definitions of abbreviations or explanations of asterisks used to indicate certain values), and those attributing copyright. Examples:

Note. The map does not include data for Puerto Rico. Adapted from 2017 Poverty Rate in the United States, by U.S. Census Bureau, 2017 (https://www.census.gov/library/visualizations/2018/comm/acs-poverty-map.html). In the public domain.

Note. Number of studies = 120, number of effects = 782, total N = 52,578. CI = confidence interval; LL = lower limit; UL = upper limit.

Note. Lyamouri–Bajja et al. (2012, p. 57).

Tables and figures help authors present a large amount of information to readers in an easier and more understandable way. The tables show numerical values and/or textual information arranged in rows and

columns. An image is an illustrative presentation of information using charts, diagrams, infographics, drawings, photographs, etc. In order for the tables and figures to help readers understand your work more easily, the data in them needs to be presented in a way that readers do not need to read the text to understand it.

Use the tables feature of your word-processing program to create a table. Do not use the tab key or space bar to manually create the look of a table. The parameters being compared should not be displayed in the same column. Use the same font type in the tables as in the rest of the article. Do not use vertical borders to separate data. For the necessary clarity of the display, it is enough to use horizontal edges at the top and bottom of the table, below column headings, and if necessary, to separate a row containing totals or other summary information from other rows in the table. Use spacing between columns and rows and strict alignment to clarify relations among the elements in a table. If a table is longer than one page, use the tables feature of your word-processing program to make the headings row repeat on the second and any subsequent pages.

Make sure the axes shown are clearly visible and the images are sharp enough. The legend is entered inside the edges of the figure. Use graphics software to create figures in APA Style papers – the built-in graphics features of your word-processing program (e.g., Microsoft Word or Excel) or special programs such as Photoshop or Inkscape.

Application of spelling rules

Align the papers with the spelling rules of the English language.

Please, pay special attention to the following:

– Some well-known foreign expressions should be written only in the original language in italics, e.g.: *de iure*, *de facto*, *a priori*, *a posteriori*, *sui generis*, etc.
– Do not start a sentence with an acronym, abbreviation or number.
– Always end the text in the footnotes with a full stop.

– URLs among the sources in the list of references should be linked to the hyperlink, without putting a full stop at the end of the link.
– Use quotation marks that are specific to the language (“ ”, « », etc.).
– Write a hyphen with space before and after or without space, never with space only before or only after. Between numbers, including page numbers, use a dash (–) instead of a hyphen (-).
– Do not use bold or underline to emphasize certain words, but only italics or quotation marks or quotation marks (‘ ’).
– Idem, ibidem, op. cit – These are not used in APA style. Always use the Author (Year) and (Author, Year) formats.

Remark

This is abbreviated guidance. Detailed instructions for authors are available on the journal's website, or the website of APA:
https://apastyle.apa.org/style-grammar-guidelines

CIP – Katalogizacija u publikaciji Biblioteka Matice srpske, Novi Sad

KULTURA polisa : časopis za negovanje demokratske političke kulture / glavni i odgovorni urednik Ljubiša Despotović. – God. 1 , br. 1 (2004) – . – Novi Sad : Udruženje za političke nauke SCG Ogranak u Novom Sadu; Stylos, 2004-.- 21 cm

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