

KULTURA

POLISA

Culture of Polis

ISSN (Online) 2812-9466

Volume XXI

Issue 1

2024



Kultura – Polis, Novi Sad
Univerzitet Privredna akademija u Novom Sadu

ISSN (Online) 2812-9466
UDC 316.334.56:008



KULTURA POLISA

Vrhunski naučni časopis nacionalnog značaja

CULTURE OF POLIS

Outstanding Scientific Journal of National Importance

Volume 21, Issue 1, April 2024

www.kpolisa.com

IMPRESSUM

Publishers

Executive Publisher

KULTURA – POLIS NOVI SAD [CULTURE OF POLIS], www.kpolisa.com
Novi Sad, Cvećarska 2

Co-publisher

University Business Academy in Novi
Sad, <https://www.privrednaakademija.edu.rs>
Novi Sad, Cvećarska 2

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Countercultural Character of Johannine Christianity

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Article Information•

Research Article • UDC: 27:2-1

Volume: 21, Issue: 1, pages: 1-17

Received: February 14, 2024 • Accepted: March 28, 2024

<https://doi.org/10.51738/Kpolisa2024.21.1r.1t>

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We have no known conflict of interest to disclose.

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- Cite (APA): Tatalović, V. (2024). Countercultural Character of Johannine Christianity. *Kultura polisa*, 21(1), 1-17, <https://doi.org/10.51738/Kpolisa2024.21.1r.1t>



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Abstract

The paper presents the rhetorical aspects of Johannine literature and shows the countercultural character of the community that produced it. Although different in genre, content and scope, the Gospels, the three Epistles and the Book of Revelation exude the same countercultural mechanism. To recognise these mechanisms on the literary level, the first part of the paper shows the impulses of countercultural interaction with the audiences. They are marked as a confrontation with religious and political authorities. Being in constant conflict with the Jewish synagogue and God-defying structures of the Greco-Roman world, the Johannine community built its own world. This world is legitimised as countercultural, i.e. constructed in opposition to the prevailing social structures and cultural practices. René Girard's anthropological concept of the scapegoat serves to observe the countercultural basis of Johannine Christianity, which is contained in the Christological symbol of the lamb. In the second part of the paper, examples of the operation of the countercultural mechanism are listed, and how it reshapes cultural practices and social structures is shown. The Johannine motifs of love and sacrifice are crucial in this process. Finally, the paper's conclusion briefly discusses the potential of the countercultural contribution of Johannine literature to Christianity and contemporary society.

Keywords: Johannine Christianity, counterculture, anthropology, theology, religion, New Testament, New Testament scholarship

Countercultural Character of Johannine Christianity

Introduction

In contemporary scholarship, 'Johannine Christianity' refers to a distinctive group or movement in the apostolic age of Christianity, connected with one of the twelve apostles of Jesus, John (Attridge, 2006). As an eyewitness to Jesus's work, he wrote one Gospel, three letters (Catholic Epistles), and the Book of Revelation (Apocalypse). Because of the usual dating of this literature towards the end of the first century, Johannine theology is sometimes considered one of the latest developments in the New Testament. Still, there is enough historical evidence to directly connect Johannine Christianity and theology with the life and work of Jesus Christ.

Considering the genre and thematic diversity of the Johannine writings and how they develop theological thought, it was also often assumed that behind this literature stands a group of authors or 'Johannine school' (Culpepper, 1975; Brown, 1979). This meant that the movement, which, after the Roman destruction of Jerusalem in AD 70, continued its activity in Asia Minor (Ephesus), was distinguished by a certain hierarchical organisation: in the heart of the group stood Apostle John, who together with his disciples produced five writings, and around that leading part of the group there were other Christians too, who formed a wider network of the 'Johannine community'.

Identifying layers, circles and persons in this movement has a hypothetical character. Nevertheless, it helps scholars to explain the theological, conceptual, and structural peculiarities of the Johannine writings, whose mutual similarities indicate that they might have originated within a distinctive Christian group. One of this literature's special features belongs to the cultural segment, which has not been given enough attention in recent scholarship. However, this feature is noteworthy since it reveals that the cultural factors within Johannine Christianity are inherently connected to the broader cultural landscape of the Greco-Roman world but are also deliberately shaped through a

countercultural interaction with certain aspects of that same world. This paper aims to shed light on this specific feature and thus portray the countercultural character of Johannine Christianity.

Confronting Religious and Political Authorities

Among numerous research studies into the background of the Johannine writings, the idea that the community lived in sharp conflict with the Jewish synagogue stood out over time. Both praised and criticised, the originator of this thesis, James Louis Martyn (1925-2015), was still remembered as a researcher who crucially contributed to elucidating the life circumstances in which Johannine Christianity found itself at the end of the first century. His concept begins with the premise that the Gospel is the earliest among five Johannine writings and concludes with the thesis that narrating the story of Jesus Christ in the Gospel simultaneously recounts the story of the community (Martyn, 1968). This is why it is impossible to establish a precise difference between the levels of history and theology within the Gospel (Frey, 2018, 1-13). Events, characters, symbols, comments, and other elements of its narrative world systematically direct the reader's perception, who, according to that exact text, is constantly faced with the hostility of Jewish groups.

The reason for this conflict should be found in the fact that the community considered itself also Jewish, but one that found its Messiah, Jesus of Nazareth (John 1:41). Several facts may support the assumption that Jewish religious leaders, willing to eradicate the Christian movement, applied the method of excluding 'enlightened' members from the Jewish synagogue (Martyn, 1968, p. 46-66). This is symbolically illustrated by the episode about Jesus' healing of a man born blind (John 9). Enlightened in body and spirit, this man had to be excluded from the Jewish synagogue (John 9:22). The Book of Revelation may mark this kind of synagogue as "Satan's" (Rev 2:9; 3:9).

The fact of God's incarnation certainly represents the basis of the Christian contrast with the Jewish religion and culture. According to the Synoptic Gospels, Jesus' public confession in the Sanhedrin –

that he is the Son of God – leads to a death sentence (Mark 14:62-64). In the Gospel of John, however, there are many more statements like this (5:18; 7:1; 11:5 etc.). The reader encounters them throughout the text because the plot has an episodic and thematic structure (Culpepper, 1983, 77–98). Likewise, the Epistles state that opposition to the fact of the incarnation is a sign of the 'antichrist' (1 John 2:22; 4:3). However, with the concept of incarnation, Johannine writings tie another important idea. Rooted in Jesus Christ, the incarnated Logos, the community represents a new temple: it participates in the eschatological glory of Jerusalem temple and even overcomes it (John 1:14).

This idea is not originally Johannine but comes from an earlier period of Jewish history. Around the second century BC, a Jewish sect emerged in Qumran, believing that the Jerusalem temple had lost its authority and their community had formed a true one. A similar concept characterises the Johannine community, with the difference that it builds its temple concept on the fact of the incarnation. During Jesus' first stay in Jerusalem, no one understood his programmatic words – "Destroy this temple, and in three days I will raise it up" (John 2:19) – refer to the temple of his body (John 2:21), i.e., community. Jewish authorities did not consider this statement serious because it had taken 46 years to build the temple, while Jesus' disciples understood these words only after his resurrection (John 2:20-22).

The implication of this theological standpoint has a significant rhetorical impact on the Johannine literature. The narration of Jesus' activity contains many allusions and references to the temple cult. The symbolic motifs of light, water, wine, bread, way, truth, and life, together with the way of structuring the narrative units, form the point where the story about Jesus Christ (history) intersects with the representation of the community as a new temple (theology). A programmatic demonstration of these relationships is the episode about Jesus' first miracle, which tells about his turning water into wine during the wedding feast in Cana of Galilee (John 2:1-12). The six stone water jars used by ordinary wedding guests symbolise Jewish law and ritual, and these jars lose their function due to the miraculous

action of Jesus Christ. The outcome of the miracle was that there was no more water, and the wine was given to the banquet guests. Omitting to say something else about the wedding, the author gives this event a symbolic level. The episode thus narrates the transformation of the old rites into the new and messianic reality and invites the reader to engage in the countercultural space of a messianic feast (Tatalović, 2019, p. 905). That is why turning water into wine is not considered a miracle but a sign (John 2:11). That is also why the episode about Jesus' announcement of the temple's destruction was narrated immediately after this sign. The loss of the importance of stone jars in Cana anticipates losing the role of the central 'stone jar' or Jerusalem temple.

As can be seen, the Gospel of John is characterised by a high level of meaningfulness in narrating the key theological themes. The author of this text, named 'the Theologian' because of his literary and theological abilities, undoubtedly relied on the literary skills of the Greco-Roman world. However, he did not remain indebted to that world and its culture. The turning of water into wine also shows that Jesus is incomparably more powerful than Dionysus, whose cult was very popular in Ephesus and Israel (Eisele, 2009, p. 23). Dionysus could only be the inventor but not the creator of wine. Creation is a divine attribute which belongs only to the true God. This aspect of the confrontation with beliefs and structures of the Greco-Roman world is certainly the most visible in Jesus' conversation with Pilate (John 18:28-40), portrayed as an encounter between the representatives of two kingdoms, the heavenly and the earthly (Brown, 2015, p. 85). Therefore, the community's rhetoric of confrontation referred to the wider social and cultural reality of its time. Due to its sectarian mentality, the concepts and rhetoric of the Qumran sect might have suited her well. The Johannine literature abounds in dualisms that are typical of Qumran. Allusions to the temple cult are also used in the dualistic concepts, so light is opposed to darkness, water to thirst, bread to hunger, life to death, etc. From the viewpoint of the Johannine community, the authority of religious and political institutions, especially Judaism, is turned upside down. Johannine Christianity

positions itself as a dynamic opposition to established institutions. In broad terms, Johannine culture can be characterised as countercultural.

The same language is used in the Revelation, although of a different genre. As an apocalypse, it reveals God's vision of the world and its structures. Religious and political authorities are presented as a single entity, a polycephalic dragon or snake, representing collective evil (Van Henten, 1994). In contrast to the existing civilisation, in which primacy belonged to the type of anti-God city called Babylon, which could be Rome, Ephesus and any other city in the ancient Mediterranean world, the Apocalypse introduces the heavenly city, the New Jerusalem (John 21-22). The Apocalypse symbolically points to this distinction at the crossroads between history and eschatology in a time that exudes an insufficiently clear distinction between good and evil. In addition, the rhetoric of the Apocalypse takes a step further and visualises the liturgical space by which it offers an anticipation of the eschatological reality (Ruiz 2006, p. 232). At the heart of this expanse resides the throne of God, surrounded by diverse celestial and terrestrial beings. Here, Christians collectively partake in their shared experience of belonging to the heavenly civilisation. Recent research shows that the description of this heavenly court was created by combining ideas about the throne of God in Jewish mysticism and imagining the throne of the supreme earthly ruler or the Roman emperor (Morton, 2007). It tells those who read the Apocalypse that God's throne will prevail over all other human and demonic thrones. Therefore, the audience of the Apocalypse also engages with countercultural rhetoric. In opposition to the worship of Roman emperors and other deities, it employs language that is an integral component of the God-defying culture.

However, the authorities that the community confronted were not only outside of it. In the remaining three writings, which are also considered the product of Johannine Christianity, it is noticeable that there was also a conflict within the community. If the epistles of John are read in their canonical order, from the first to the third, one may conclude that the community lost its strength over time and fell into

the shadow of the dominant Gnostic group (Brown, 1982, pp. 30-32). The question is, however, what led to such a situation. Contemporary scholarship assumes that the main reason is to be seen in the Gnostic potential of the community (Zumstein, 2004, p. 3-5). Indeed, the sectarian mentality of the Johannine community could have been construed and maintained with the help of this distinctive factor. The literature of Johannine Christianity was written in such a manner that only those with special knowledge could benefit from it. In this sense, it is possible that the Johannine principle of confrontation and the countercultural identity was transferred to its internal structure and thus led to its downfall.

The demise of a (small?) Christian community in the turbulent circumstances of the ancient Mediterranean world was probably not particularly noticed. The early Christian world was also very diverse and fluid. Interestingly, early Christian authors began to rely on the Johannine literature only in the middle of the third century, while the Apocalypse remains unacceptable for many. Nevertheless, this community left behind a literature that significantly influenced the development of Christian thought and, thus, the development of modern society. The fact that its message was imbued with a significant aspect of universality, reflecting the conviction that other Christians should share its beliefs, also helped in that process. However, the principle of confrontation would have no impact if it was not imbued with the countercultural interaction with the ancient world's social structures and cultural practices. I will briefly review two key Johannine motifs in the following lines, showing their impact and reception implications. These are the motifs of sacrifice and love.

Reshaping cultural practices and social structures

From the first lines of the Gospel of John, Jesus is presented with the terminology of sacrifice. Seeing him by the river Jordan, John the Baptist calls Jesus "the Lamb of God who takes away the world's sin" (John 1:29). This characterisation is deeply rooted in the Jewish cult and theology. A lamb was sacrificed in the Jerusalem temple to

commemorate the Passover event that formed the Jewish national and spiritual identity. Referring to this practice as an indicator of Jewish identity in ancient times, the Gospel presents Jesus as the lamb through which a new and different Passover is performed (Lam, 2020). The description of Jesus' death on the cross exudes Paschal and sacrificial terminology (John 19:34). Other Gospel writers were also aware of this interaction with the Jewish ritual, associating the moment of Jesus' death with the destruction of the temple and the abolition of sacrificial offerings (Mark 15:38). The community thus exemplified that their identity was no longer maintained by the memory of the event of liberation from Egyptian slavery but rather by the memory of the event of liberation from spiritual slavery.

Interestingly, the Book of Revelation does not separate the same motif from the basic Johannine manner of confrontation with God-defying authorities. This is evident in the 'lamb Christology' of Revelation. A reference to the death and resurrection of Jesus Christ is made by introducing the Lamb on the heavenly throne and depicting it in the standing position despite its mortal wound (Rev 5:6). However, the Lamb also has horns on its head and is ready to clash with its enemies. At the end of the drama, the Lamb defeats a fiercer creature, the beast, which represents evil (Rev 17:14). Finally, the centre of the heavenly Jerusalem will not be a temple but the Lamb and God. The heavenly city itself is the bride of the Lamb (Rev 21:9) and is illuminated by the light that is the Lamb (Rev 21:23).

Based on these few characteristics of the Gospel and the Apocalypse, which, although not explicitly mentioned in the Epistles, are nevertheless present through many allusions (e.g. 1 John 1:7), it may be concluded the concept of 'Lamb sacrifice' represents the basic code of Johannine Christianity. In this respect, the Johannine thought is close to the native Jewish mentality, built on the idea of sacrifice. Moreover, the community thereby shows similarity with all (archaic) societies, which, too, were built on ritual and sacrifice. According to Girard, the basis of human culture lies in the sacrifice and scapegoat mechanism (Girard, 2001, p. 90-91). In moments of internal hostility within a group, there is a necessity for an outlet, as the group risks

self-destruction due to its own violent tendencies (this is what Girard identifies as 'mimetic violence'). This outlet manifests as a scapegoat, becoming the sacrificial victim for the group (Girard et al., 2007, 48-49). Although such sacrifices may assume an infinite variety of outer forms, they all represent ritualistic elaborations of the original human scapegoat, who was the victim of collective murder (Leyf, 2024). As a counterweight to this mechanism, John pictures Jesus' death as a sacrifice of an innocent lamb. He thus eliminates negative attributes and other unsympathetic connotations of the scapegoating theme (Girard, 2001, p. 156) and instates a central motif of the Johannine counterculture. However, this motif is considered cultural within the Johannine optics because of the reversal that had turned the victim into the keystone of the community. Standing upon the heavenly throne despite the mortal wound, the Lamb receives the ultimate glory (Rev 5:12-13) and will eternally reign in New Jerusalem.

The crucifixion is thus central to the memory in the Johannine community. When the Gospel reader reaches the narrative pivot, they hear the crucified Jesus uttering the words: 'It is finished!' (John 19:30). The concept of the innocent victim and the Paschal terminology underscore the centrality of this event. However, by embracing the crucifixion, an act typically reserved for slaves and criminals in the ancient world, Jesus subverts societal norms. For a community primarily of Jewish origin, it was initially unacceptable to believe in the incarnation and death of God, especially on the cross. From this inverted perspective, significant transformations in cultural practices and social structures follow, highlighting the countercultural nature of Johannine Christianity.

This aspect is programmatically shown in the episode about Jesus washing his disciples' feet at the beginning of his farewell discourse (John 13-17). According to the ancient custom, the hosts offered the guests water to wash their hands or feet before the meal. The general rule was that this task was assigned to a slave or a person from a lower social class (Bauckham, 2007, p. 193). The reverse situation was unthinkable, as seen by Peter's refusal to let the Lord and the teacher wash his feet (John 13:8). This act of Jesus shows an

example of humility in serving others and the community. If he is willing to do such a humiliating thing, then those who serve him as a master should be ready to do the same and even more. However, as this episode in the plot of the Gospel proleptically and symbolically presents the sacrificial death of Jesus, the act itself is countercultural. The death of the Lamb becomes the principle that (re)shapes the cultural structure of the community. Cultural practices change, and the social structure becomes different. The one who wants to be the first should serve others, not vice versa.

Jesus expresses the verbal side of this act through the main commandment about love: "I give you a new commandment, that you love one another. Just as I have loved you, you should also love one another. By this everyone will know that you are my disciples, if you have love for one another" (John 13:34-35). The love Jesus proposes and puts into practice becomes a sign of belonging to the community. The validity of that love is confirmed by the willingness to lay down one's life for the sake of another (John 15.13). Such love opposes violence as the root of society and functions as a countercultural mechanism that frees society from its original, scapegoating sin. This is precisely what is expressed in the first epistle of John, which elaborates the love commandment theme of the Gospel:

For this is the message you have heard from the beginning, that we should love one another. We must not be like Cain, who was from the evil one and murdered his brother. And why did he murder him? Because his own deeds were evil and his brother's righteous. Do not be astonished, brothers and sisters, that the world hates you. We know that we have passed from death to life because we love the brothers and sisters. Whoever does not love abides in death. All who hate a brother or sister are murderers, and you know that murderers do not have eternal life abiding in them. We know love by this, that he laid down his life for us—and we ought to lay down our lives for the brothers and sisters. How does God's love abide in anyone who has the world's goods and sees a brother or sister in need and yet

refuses help? Little children, let us love not in word or speech but in deed and truth. (1 John 3:11-18).

Having permanently taken over the place and role of the scapegoat, the Lamb signifies the New Passover or liberation from slavery to the core social structure, norms and values. This is already indicated in the wording of the love commandment. By connecting two mutually opposed semantic domains (love vs. commandment), Jesus reshapes the moral and legal language of Jewish law. The commandment is, therefore, new since it represents a specific interpretation of what is old. In the same way, Jesus' ultimate act of love calls into question the perception of reality and the structure of society. However, its effect is not permanently possible without a community that, through its ritual and culture, performatively commemorates the sacrificial death of the Lamb. The existence of this community in the world guarantees its salvation.

The Book of Revelation clearly shows that the interplay between love and violence played an essential role in Johannine's maintenance of countercultural rhetoric. After introducing the throne of God and the heavenly beings participating in the cosmic liturgical scene (Rev 4), the author directs the reader's attention to the scroll sealed with seven seals and placed in the right hand of God. In the apocalyptic imagination, such a scroll represents God's hidden plan for the world (Koester, 2014, p. 373). Having expressed regret because "no one in heaven or on earth or under the earth was able to open the scroll or to look into it" (Rev 5:3), the author or the seer is comforted by the words of one of the presbyters who are standing around the throne: "Do not weep. See, the Lion of the tribe of Judah, the Root of David, has conquered, so that he can open the scroll and its seven seals" (Rev 5:5). These statements reflect ancient Jewish beliefs that anticipated the Messiah to possess qualities of a military and political leader. Symbols like a lion and references to David align with such expectations. However, anticipating a lion or a Davidic king, the seer unexpectedly encounters a lamb (Rev 5:6). Jewish messianism, at the root of which were the symbols of a bloodthirsty animal and a warlike ruler, was thus reshaped by the concept of the innocent sacrifice. In

this context, when it is later stated that the adherents of the Lamb have triumphed over the beast or devil through the Lamb's blood (Rev 12:11), it signifies that they have embraced the authentic principle of community functioning that opposes the logic of the fallen world. That is why in the New Jerusalem, as the eschatological realisation of the community, their light will be the Lamb (Rev 21:23).

Conclusion

In early Christianity, which, as a whole, also manifests a subversive attitude towards the Greco-Roman world, the Johannine community makes up only a small part. Nevertheless, it develops rhetoric that makes it a countercultural social cell. Such a way of self-understanding of an early Christian group was not unique. First of all, the subversive character of Christianity enabled other communities within early Christianity to define themselves similarly. However, the question can be raised as to what extent this phenomenon is only Christian and to what extent it is social in general. Teodor Roszak, in his influential book *The Making of a Counter Culture*, explored the counterculture phenomenon that emerged among Anglo-American youth in the 1960s. Characterised by a profound discontent with conventional social beliefs, counterculture surpasses mainstream consciousness and derives its influence from the moral and imaginative aspects of human personality or "non-intellectual consciousness". Any movement or individual embodying non-intellectual understanding and personal perspectives of truth, as opposed to cultural constructs of knowledge, reflects the essence of the counterculture (videti Roszak, 1968, p. 42-62).

Closeness to the Gnostic mentality and the revelatory nature enabled Johannine Christianity to develop its countercultural identity. The contribution of such theological thought to the Christian heritage is reflected in the strengthening of its ability to enter into a dynamic relationship with dominant social and cultural norms. However, this potential was unsuitable for orthodox Christianity in its tumultuous formation period (Deconick, 2016, p. 28). If counterculturality is the

reason for the downfall of the Johannine community, then the authentic Johannine thought threatens every religious system of which it becomes a part. On the other side, counterculturality was only one of the facets of Johannine Christianity that also developed a profound theological language. The theologians of the third and fourth centuries made no small efforts to make Johannine Christianity Orthodox based on its other qualities. The concept of the Lamb and other theological constructions became universal Christian symbols. Nevertheless, neglecting the countercultural nature of (Johannine) Christianity can significantly weaken the power of the authentic Christian message. The idea of this paper is to recall this aspect as well as to encourage further research.

References

- Attridge, H. (2006). Johannine Christianity. In M. M. Mitchell & F. M. Young (Eds.), *The Cambridge History of Christianity* (pp. 125–143). Cambridge University Press.
- Bauckham, R. 2007. *The Testimony of the Beloved Disciple: Narrative, History and Theology in the Gospel of John*. Baker.
- Brown, R. E. (1979). *The Community of the Beloved Disciple*. Paulist Press.
- Brown, R. E. (1982). *The Epistles of John*. Doubleday.
- Brown, S. (2015). What Is Truth? Jesus, Pilate, and the Staging of the Dialogue of the Cross in John 18:28-19:16a. *Catholic Biblical Quarterly*, 77(1), 69–86.
- Culpepper, R. A. (1975). *The Johannine School*. The Scholars Press for the Society of Biblical Literature.
- DeConick, A. D. (2016). The Countercultural Gnostic: Turning the World Upside Down and Inside Out. *Gnosis: Journal of Gnostic Studies*, 1, 7–35. <https://doi.org/10.1163/2451859X-12340003>.
- Eisele, W. (2009). Jesus und Dionysos: Göttliche Konkurrenz bei der Hochzeit zu Kana (Joh 2,1–11). *Zeitschrift für*

- die neutestamentliche Wissenschaft*, 100(1), 1–28.
<https://doi.org/10.1515/ZNTW.2009.001>
- Frey, J. (2018). *Theology and History in the Fourth Gospel: Tradition and Narration*. Baylor University Press.
- Gärtner B. E. (2005). *The Temple and the Community in Qumran and the New Testament*. Cambridge University Press.
- Girard R. (2001). *I See Satan Fall Like Lightning*. Orbis Books.
- Girard, R., Antonello, P., & Rocha, J. C. de C. (2017). *Evolution and Conversion: Dialogues on the Origins of Culture*. Bloomsbury.
- Koester, C. R. (2014). *Revelation: A New Translation with Introduction and Commentary*. Yale University Press.
- Leyf, M. (2024, February 11). *Mythos, Logos, and the Lamb of God: René Girard on the Scapegoat Mechanism*. <https://theoria.press.wordpress.com/2021/04/04/mythos-logos-and-the-lamb-of-god-rene-girard-on-the-scapegoat-mechanism>
- Martyn, J. L. (1968). *History and Theology in the Fourth Gospel*. Harper & Row.
- Morton, R. (2007). *One upon the Throne and the Lamb: A Tradition Historical/Theological Analysis of Revelation 4-5*. Peter Lang.
- Roszak T. (1968). *The Making of a Counter Culture: Reflections on the Technocratic Society and its Youthful Opposition*. Doubleday.
- Ruiz, J.-P. (2006). Betwixt and Between on the Lord's Day: Liturgy and the Apocalypse. In D. L. Barr (Ed.), *The Reality of Apocalypse: Rhetoric and Politics in the Book of Revelation* (pp. 221–241). SBLSS 39. Brill.
- Tatalović, V. (2019). Aspekti transformacije u prvom znamenju Isusa Krista (Iv 2,1-11) [Aspects of the Transformation in the First Sign of Jesus Christ (John 2:1-11)]. *Bogoslovska smotra*, 89(4), 899-914. <https://hrcak.srce.hr/file/340626>

- Van Henten, J. W. (1994). Dragon Myth and Imperial Ideology in Revelation 12-13. In E. H. Lovering (Ed.), *Society of Biblical Literature 1994 Seminar Papers* (pp. 496-515). Scholars Press.
- Zumstein, J. (2004). Zur Geschichte des johanneischen Christentums. In J. Zumstein, *Kreative Erinnerung. Relecture und Auslegung im Johannesevangelium* (pp. 1-14). AThANT 84. Theologischer Verlag.
- Lam, T. Y. (2020). The Effusion of Blood and Water for Purity and Sanctity: Jesus's Body, the Passover Lamb, and the Red Heifer in Johannine Temple Christology. In A. Pitts (Ed.), *Johannine Christology* (pp. 203-222). Brill.

Kontrakulturni karakter Jovanovskog hrišćanstva

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Sažetak

Radom se prezentuju retorički aspekti Jovanovske književnosti i pokazuje se kontrakulturni karakter zajednice koja ju je proizvela. Iako različitog žanra, sadržine i obima, Evanđelje, tri poslanice i Knjiga otkrivenja odišu istim kontrakulturnim mehanizmom. U cilju prepoznavanja ovog mehanizama na literarnom planu, u prvom delu rada se pokazuju impulsi kontrakulturne interakcije sa auditorijumima. Oni su označeni kao konfrontacija sa religijskim i političkim autoritetima. Nalazeći se u stalnom sukobu sa jevrejskom sinagogom i bogoprotivnim strukturama grčko-rimskog sveta, Jovanovska zajednica je izgradila sopstveni svet. Budući konstruisan u suprotnosti sa vladajućim društvenim strukturama i kulturnim praksama, ovaj svet se legitimiše kao kontrakulturni. Antropološki koncept žrtvenog jarca Renea Žirara služi uočavanju kontrakulturnog temelja Jovanovskog hrišćanstva, koji je sadržan u hristološkom simbolu jagnjeta. U drugom delu rada navedeni su primeri delovanja kontrakulturnog mehanizma i pokazani su načini na koje on preoblikuje kulturne prakse i društvene strukture. Jovanovski motivi ljubavi i žrtve pokazuju se ključnim u ovom procesu. Zaključkom su, konačno, diskutovani potencijali kontrakulturnog doprinosa Jovanovske književnosti hrišćanstvu i time savremenom društvu.

Ključne reči: Jovanovsko hrišćanstvo, kontrakultura, antropologija, teologija, religija, Novi Zavet, novozavetna nauka

The Origin of Criminal Behavior in the Context of Developmental Risk Factors

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Article Information•

Review Article • UDC: 343.97:343.973./98

Volume: 21, Issue: 1, pages: 18-42

Received: February 13, 2024 • Accepted: March 18, 2024

<https://doi.org/10.51738/Kpolisa2024.21.1r.18b>

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We have no known conflict of interest to disclose.

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• Cite (APA): Bjelajac, Ž. (2024). The Origin of Criminal Behavior in the Context of Developmental Risk Factors, *Kultura polisa*, 21(1), 18-42, <https://doi.org/10.51738/Kpolisa2024.21.1r.18b>



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Abstract

Research on the complexity of human nature and crime has always captured the attention of the entire social community, constantly grappling with these challenges. Numerous scientific studies have dealt with the origins of criminal behavior and the explanation of crime. Since the beginning of the 19th century, broad scientific perspectives have ranged from considering crime as an inevitable derivative of general poverty, unemployment, and poor parenting and/or as a symptom of individual psychological deficits, to the standpoint that crime is attributed to social conditions. Today, the origins of criminal behavior are considered in the context of biological factors, learning and situational factors, and primarily developmental risk factors (risk factors of the social environment, risk factors associated with parents and family, psychological risk factors), which are the focus of this work. This paper aims to examine the implications of the complex interactions of these developmental factors and their role in the origin of criminal behavior.

Key words: Criminal behavior, developmental risk factors, family, school, social environment, psychological factors.

The Origin of Criminal Behavior in the Context of Developmental Risk Factors

Introduction

Since the existence of mankind, violence has always been present. The nature of the aggressive drive in humans has been directed by the consciousness of existence due to frequent threats, attacks, and/or other frustrating situations. Sometimes violence has been the result of fear of differences, misunderstanding of others' perspectives on the world, or culture. Throughout the history of humanity, there has been almost no period without some form of war, and violence has often been sought to gain advantage due to false beliefs, feelings of threat, or greed for others' possessions (Bjelajac & Matijašević, 2013). Human nature has been and remains highly complex, unfathomable, mystical, inconsistent, and unlimited. It has the flexible quality of shaping, building, and driving. It governs the lives of human beings, drives the course of our thoughts and activities, and guides us in everyday life situations where important decisions are made.

If the rules of behavior in society, established to guide human consciousness and will, do not allow a person to satisfy their needs, human nature tends to turn towards greed, ruthlessness, immorality, unscrupulousness, or destructiveness, and often even innate evil, leading to various criminal activities. In fact, crime arises because of the deceptive nature of human beings, which is full of inconsistency (Bjelajac, 2023: 26), as a result of those unchanging aspects of human nature that make every human act possible (Manfredi, 1985), including acts such as the barbaric removal and sale of human organs, crimes against humanity, known as human trafficking (Bjelajac, 2014a; Bjelajac, 2008). In the specific conditions of widespread alienation from humanity (Bjelajac, 2014b), scientific researchers are constantly searching for answers to what influences criminal behavior and what drives individuals to manifest unacceptable and negative behavior patterns, to be cruel and commit atrocities.

"The most natural and common question people ask about crime is: Why? This question is asked both when it comes to individual acts and their totality. In both cases, it is almost impossible to answer this question. Each individual crime is a response to a specific personality situation, which is immensely complex psychologically and emotionally, subject to endlessly complex external pressures. Crime is a million such responses. Seeking the causes of crime only in human motives risks getting lost in the impenetrable dust of the human psyche. It could be said that a gambling addiction is the cause of embezzlement, or that drug addiction is the cause of theft, or that insanity is the cause of murder, but what caused the passion, addiction, or madness?" (The Challenge of Crime in a Free Society...1967:17). Why did they manifest themselves in those ways at that moment? There are crimes so irrational, unpredictable, and explosive, so unsuitable for analysis or explanation, that they can be prevented or protected against to the same extent as earthquakes or tidal waves... The causes of crime are therefore numerous, mysterious, and intertwined. To even begin to understand the individual, we must collect data on the scope and trends of crime, determine the cost of crime, study the living conditions where it thrives, identify criminals and their victims, and determine society's stance on crime. No way of describing crime captures it well enough." (The Challenge of Crime in a Free Society...1967:17). Although it is generally accepted that crime theories have deep historical roots and have been the subject of numerous debates, current criminological research considers new perspectives and expands views on the origin of criminal behavior. Two main approaches, reflected within biological and sociological theories, imply that crime is a highly complex phenomenon that changes in different cultures and over time.

The main scientific perspectives in criminology, including sociological, psychological, and psychiatric criminology, among others, explore: the characteristics of offenders; motives - reasons why someone may have committed a criminal act; the effects of crime on victims, their families, individuals, and communities; methods of crime prevention. Ultimately, criminology has unequivocally embraced a scientific approach, acknowledging that each perpetrator of a criminal

act has their own motives due to subjective and objective circumstances and certain variables that may contribute to criminal behavior. Regarding crime, authors examine and confront various views on the impact of essential characteristics: (gender, race, age, skin color, language, ethnic and national origin, religion, sexual orientation, intelligence, disability, health status, psychopathology, and mental disorders); developmental factors (family, school, environment); social factors (unemployment, poverty, media, substance abuse); and include established patterns of sanctioning and rewarding, historical and cultural factors, etc

Methodology

In the process of conducting descriptive research, we formulated research questions in an appropriate and concise manner to examine the perspective of the impact of the factors at hand on the development of criminal behavior. We utilized qualitative research methods to conduct a deeper analysis and provide more detailed explanations, aiming to offer a comprehensive and broader picture of developmental risk factors and the origin of criminal behavior, with the intention of addressing the questions related to the purpose of this study. Through the method of comparative analysis, we discovered the potential for understanding the implications of the complex interactions of these developmental factors and their role in the origin of criminal behavior. We presented that there are pronounced capacities in terms of protective factors as positive influences that can improve the lives of individuals and the safety of the community as preventive measures.

Developmental Risk Factors

Every individual has their own developmental path, the characteristics of which can often be identified from a very early age. The developmental perspective views the life course of all individuals as following a path (or trajectory) that may be filled with risk factors. Some risk factors can be described as experiences commonly found in the background of many offenders, such as school failure, alcohol abuse,

antisocial peers, or childhood victimization. Some experts believe that the more varied and unpredictable an individual's paths are, the greater the likelihood they will engage in antisocial behavior throughout their lives (Wasserman & Seracini 2001). It is understood that the life paths and cycles of juvenile and adult offenders can be different and unpredictable. Some lead to serious delinquency with significant persistence in criminal behavior, resulting in challenges and perspectives that accompany the nature of persistent offenders whose criminal behavior begins early and reflects resistance to social control even when strict criminal sanctions are applied. Others only lead to juvenile delinquency, often as a result of imposed stereotypes in the context of avoiding conventional lifestyles, which disappear as unpleasant experiences upon exiting adolescence. The question of why some children exhibit antisocial behavior early on while others manifest it only during the transition from childhood to adulthood, known as adolescence, remains open and insufficiently clarified with all its implications.

The risk factors presented by *Webster-Stratton and Taylor* generally reflect a realistic view of the development of criminal behavior and suggest an increased likelihood that certain individuals/adolescents will be involved in crime or become victims. These are empirically based programs that have identified the most susceptible risk factors closely associated with later exposure to substance abuse, increased aggression, violence, and delinquency. It is understood that there are other risk factors that influence risky behaviors in early years. Those associated with personal vulnerabilities and predispositions, interacting with others related to family, school, or peer environments, have a pronounced synergistic effect in multiplying behavioral problems with negative outcomes and narrowing the choice of effective interventions.

Risk Factors of the Social Environment

When discussing **risk factors of the social environment**, the stereotype that a lack of material goods - **poverty**, creates a negative social environment is prevalent. While the link between growing up in

poverty and criminal behavior should not be ignored, it is understood that being poor does not automatically mean being a criminal. Indeed, every individual who commits a criminal act has their own specific reasons and life situation. Research reveals that the mere presence of criminals is not the only factor that can negatively influence our behavior in our environment. In this sense, it is useful to mention several evident factors that can contribute to criminal behavior:

- **Rejection by peers and associating with antisocial peers** indicate that children's relationships with peers are unique and essential contributions to their social and emotional development. (Bagwell, 2004; Blandon, et al., 2010; Newcomb, et al., 1993) During adolescence, there is an increase in sensitivity to peer influence and a decrease in susceptibility to parental influence (Mounts, 2002). In addition, numerous researchers have found that peer influence is a strong predictor of substance use and delinquent behavior among adolescents (Coie & Miller-Johnson, 2001; Mounts, 2002). In everyday discourse, we often hear "you are who you hang out with" or "tell me who your friends are and I'll tell you who you are." This suggests that the people we surround ourselves with largely reflect our character and choices. On the other hand, peer rejection can have negative effects on children's socio-cognitive development. Rejected children have higher rates of anxiety, loneliness, depression, aggressive behavior, substance abuse, school failure and dropout, and even suicidality.
- **Preschool experiences** are those unwanted childhood experiences for which research has shown that aggressive tendencies in young children predict aggressive behavior later in the child's life (Padowitz, 2015). Of course, children cannot choose their genetics or upbringing. Children raised in poor and unhealthy conditions are at increased risk of antisocial behavior as adolescents and adults. Such views are supported and widely accepted in the scientific community.
- **The quality of after-school care** is a complementary activity closely linked to the development of antisocial behavior. Children who spend a lot of unsupervised time after school, without minimal parental/guardian supervision, are more likely to connect with

antisocial peers, especially those in the virtual world (Bjelajac, Matijašević & Dimitrijević, 2012; Bjelajac & Filipović, 2020), which offers numerous challenges and opportunities, including risks of involvement in criminal behavior in early adolescence.

- **Academic failure and school non-attendance** contribute to increased involvement of young people in antisocial and/or criminal behavior. On the other hand, certain research findings (Åslund, et al., 2018) suggest that staying in school reduces opportunities and/or tendencies towards criminal activities. Early educational setbacks are also linked to antisocial development and delinquency. As early as the preschool level of education, behavioral problems in children are strongly associated with failure to attend school at the primary and secondary levels of education.

Risk Factors Related to Parents and Family

Some of the **risk factors associated with the family** are static, while others are dynamic. Static risk factors, such as a criminal history, parental mental health problems, or a history of childhood abuse, are unlikely to change over time. However, dynamic risk factors, such as parental misbehavior, domestic violence, or parental drug dependency, can be modified by appropriate prevention and treatment programs (Family-Based Risk and Protective Factors..., 2008). Risk factors have cumulative and interactive effects: the more risk factors a family is exposed to, the more likely it is considered high-risk. Moreover, children and adolescents exposed to certain risk factors are also likely to embark on life paths leading to delinquent behavior (Wasserman, et al., 2003). This is because not only do the effects of risk factors accumulate, but the factors also interact with each other: the effects of one factor multiply the effects of another and so on. For example, parental alcoholism leads to family conflicts, which then increase the risk of substance abuse (Wasserman, et al., 2003). There is extensive literature in criminology suggesting that the family, as the basic building block of human society, especially the nuclear family, has a significant influence on children's development. Namely, the family home is a natural school

for children, where children internalize moral values through bonding that will likely guide their future development. Healthy and functional aspects of family life prevent antisocial behavior and/or delinquency, while the absence of adequate parental care and negative parental influences, as well as growing up in dysfunctional families, can promote their development. Some circumstances and practices can increase the likelihood of externalizing behavior in childhood, violence, aggression, and criminal behavior in later stages of development.

- **Single-parent families/households** – particularly vulnerable single motherhood, as one of the increasingly common family modalities, is symptomatic in this context, as many authors uncover data showing that violent crime in the community is more likely for children coming from homes where parents have been divorced or separated. Families with adolescent boys, the group most prone to crime, are particularly exposed and vulnerable. Therefore, the conclusion is drawn that the home of single parents—or the *broken home*, as some emphasize—can induce criminal behavior, especially when interacting with other risk factors.
- **Parenting styles and practices** refer to the ways in which parents or guardians communicate with their children. Some parenting styles and practices seem more likely than others to lead to delinquency, and thus they can be termed risk factors (Hart, et al., 1998). While parenting practices refer to patterns of parental behavior, parenting styles relate to parent-child interactions characterized by the attitudes of parents towards the child and the emotional climate in the parent-child relationship (Baumrind, 1991). The four basic parenting styles are: authoritarian, permissive, neglectful, and authoritative.
- Studies on the effects of **parental monitoring** involve different constructs of parental knowledge and ways of detecting children's activities. The level of parental knowledge achieved through parental monitoring depends on the accuracy of the information that the child discloses to the parents (Stattin & Kerr, 2000), as well as the parents' skills in recognizing overt maladaptive and harmful behaviors. Creatively monitoring peer groups and behaviors is one of the strong

protective factors for preventing the development of antisocial behavior. It was assumed that parental monitoring consisted of actively seeking information and tracking the location and activities of the child. However, it has been found to be more productive to include real knowledge about children's activities alongside parental monitoring, which entails the child's willingness and voluntariness to share information with the parent spontaneously without fear of reaction or negative bias.

- It is often said that siblings are the longest-lasting relationships for most people — from early childhood to old age. **The influences of siblings** and their roles in family dynamics can sometimes be very complex. A propensity for criminal behavior may be due to genetic factors, shared environment, or simply interpersonal influence on each other. It is widely known that siblings often mimic each other, with younger children most often imitating older siblings. Therefore, it is reasonable to assume that such direct and/or indirect influences and their variations play a significant role in shaping the development of aggression and criminal behavior. In this context, it seems that same-sex siblings of similar age show the most similarities in terms of criminogenic influence and engagement in inappropriate behavior.
- We emphasized that parents likely have one of the greatest influences on a child's life. The development of children is greatly influenced by both biological and psychosocial aspects of parenting, namely **parental psychopathology** (Ollendick & Herson, 1989; Bjelajac & Merdović, 2019). In this sense, it is not surprising that parents and children exhibit similar symptoms of psychopathology. Why do we see this connection between parental and child psychopathology? The reason may be that children learn, mimic, and internalize the disturbed behaviors of parents. Children are at the greatest risk of developing the type of psychopathology demonstrated by their parents due to the influence of environmental factors and patterns such as parental modeling (Burstein, et al., 2010a; Burstein, et al., 2010b). Parental psychopathology can negatively affect a child in various ways. For example, there is a strong link between anxiety and/or depression in children and the psychopathology of their

parents. The presence of alcoholism in parents, especially fathers, can contribute to antisocial behavior and maladjustment in sons and increase the risk of various negative outcomes.

Psychological Risk Factors

Considering the fact that criminal behavior is on the rise, it is very important to understand its genesis. The role of **psychological factors** in predisposing to criminal behavior is evident. These factors include personality traits, comorbid psychiatric conditions, value judgments and cognitions, affective components, and motivation. In short, criminal behavior is viewed from a psychological perspective, focusing on the notion that crime is primarily the outcome of patterns of thinking and lifestyle habits. The interactive effect of these factors produces various levels of antisocial conditions and problematic behaviors.

- **Attachment disorders** are conditions that typically develop in childhood but can also occur in adults with clear symptomatology. Their development is linked to the inability of a child to establish adequate consistent emotional attachment to a parent or caregiver. These disorders affect mood or behavior and make it difficult for individuals to form and maintain relationships with others. They usually begin in early childhood, but attachment issues can persist into adulthood, most likely due to untreated or undiagnosed attachment disorders in childhood.
- **Empathy** is a fundamental construct that allows individuals to perceive and understand the cognitive and emotional state of others. Empathy is not only a psychological and sociological concept; it also heavily impacts our daily lives by affecting our decisions and actions. Empathy is connected to and involves specific parts of the brain which, if damaged or of reduced volume, can lead to actions that are morally unjust, aggressive, or simply denoting a lack of understanding and sensitivity (Saladino, et al., 2021). Therefore, if a child disregards the feelings of others during play or everyday activities, they demonstrate a **lack of empathy**, which can be an indicator of early warning signs

for potential delinquency, as violent and psychopathic criminals exhibit a lack or absence of empathy, moral reasoning, guilt, or shame.

- **Cognitive-communication disorders** are communication problems stemming from cognitive deficits rather than deficits in primary language or speech. These disorders arise from impaired functioning of one or more cognitive processes (What is a Cognitive-Communication Disorder, n.d.), including attention, memory, perception, insight and judgment, organization, orientation, language, processing speed, problem-solving, reasoning, executive functioning, and metacognition.
- Studies have shown that **low intelligence (IQ) and delinquency are strongly associated**. This study focuses on inhibitory deficits as the source for the association between low IQ and delinquency. Further, the authors explore whether serious delinquent boys with a low IQ are exposed to more risk factors than serious delinquent boys with an average to high IQ. They also examine the extent to which low IQ and higher IQ serious delinquents incurred contact with the juvenile court because of their delinquent behaviour (Koolhof et al., 2007). Criminal offenders with low intelligence quotient (IQ) have committed more delinquent acts compared to serious offenders with higher IQ, along with high levels of cognitive and behavioral impulsivity. It is important to note that offenders with low IQ are often exposed to multiple risk factors such as poor living conditions, dysfunctional families, school failure, depressive and anxious states, substance abuse, and others.
- **Attention deficit hyperactivity disorder (ADHD)** is one of the most common mental disorders affecting children. Symptoms of ADHD include inattention (difficulty in sustaining focus), hyperactivity (excessive movement that does not match the environment), and impulsivity (rash actions that occur in the moment without thinking) (Harpin, 2005). These symptoms are predominantly observed at an early age and may become more pronounced when the child starts school and when the child's circumstances change, but sometimes it is diagnosed later in childhood, or even in adulthood.

- The term **Conduct Disorder (CD)** represents a set of behaviors characterized by persistent misconduct, including: bullying, fighting, use or threat of use of weapons against others, physical cruelty to humans and animals, property destruction, chronic deceit, sexual assaults, and serious rule violations (American Psychiatric Association, 2013). Over the lifespan, this disorder is also intertwined with other psychological issues. This includes mental health problems (e.g., substance abuse); legal problems (e.g., risk of arrest); educational problems (school dropout); social problems (e.g., poor marital adjustment); work-related problems (e.g., poor work performance); and physical health problems (Frick & Nigg, 2012). Some of the particularly pronounced risk factors related to CD and predicting delinquency include: described risk factors associated with dysfunctional families; impulsivity, low IQ, school failure, association with antisocial peers in high-crime environments.
- **Oppositional Defiant Disorder (ODD)** is a type of childhood behavioral disorder that primarily involves problems with emotional and behavioral self-control. According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), the main characteristic of ODD is a persistent pattern of angry or irritable mood, argumentative or defiant behavior, or vindictiveness towards others (Aggarwal & Marwaha, 2022). The clear etiology of ODD is highly complex, as it is the product of the interaction between genetic factors; environmental factors; and psychosocial factors.

Protective Factors in Response to Risk Factors

The complex combination of risk factors in the individual – family – interpersonal relationships – society relationship contributes to the risk of youth violence. Many risk factors for violence among younger populations are strongly associated with experiencing toxic chronic stress, which negatively affects the brain development of children and youth. Toxic stress can result from numerous issues faced by young people, from poor living conditions to substance abuse and other instabilities (Bjelajac, 2023:81). We must bear in mind the fact that any

activity aimed at preventing criminal behavior will not succeed in achieving a good and lasting outcome if it attempts to address the problem without taking into account the factors that cause it. Buffers, which could provide a buffer zone between the presence of risk factors and the occurrence of delinquency, are known as protective factors (Bjelajac, 2023:82-83). Risk factors are negative influences on the lives of individuals or communities. This can increase the presence of crime, victimization, or fear of crime in the community and can also increase the likelihood of individuals engaging in crime or becoming victims. Protective factors are positive influences that can improve the lives of individuals or community safety. This can reduce the likelihood of individuals engaging in crime or becoming victims. Building on existing protective factors makes individuals and communities stronger and more capable of facing risk factors (Family-Based Risk and Protective Factors... , 2008; Kovačević-Lepojević, Merdović & Živaljević, 2022). With the recognition that the capacity for "resilience" can vary from person to person and that young people face various challenges and/or risk factors daily, the question arises as to whether the psychophysical makeup of each individual is capable of being resilient, overcoming challenges, and progressing. It seems that recognizing risk factors and building knowledge in the context of protection largely depend on ongoing education and raising collective awareness of the importance of a security culture in modern society. Previous findings suggest the need for multiple approaches to prevention and early intervention, encompassing various aspects of young people's lives, including the individual, family, community, and societal levels, all to establish an effective strategy to combat criminal behavior with sustainable and long-term implementation.

Discussion

In 2022, the violent crime rate in the United States was 369.8 cases per 100,000 inhabitants, with approximately 1.23 million violent crimes reported to the FBI in the same year. Of these violent crimes in 2022, there were 893,980 aggravated assaults, making this offense the

most common among violent crimes. Additionally, in 2022, the clearance rate for crimes in the U.S. was highest for murders and manslaughter, with about 52.3 percent of murders solved by investigators and suspects charged with the crime. Approximately 41.4 percent of aggravated assaults were cleared that year (Reported violent crime rate..., 2023). These data are alarming and point to the necessity of establishing proactive strategies for crime prevention in society outside the criminal justice process, with a focus on understanding the risk factors that influence the development of criminal behavior. Parents, teachers, and especially psychological and educational services in schools, should be equipped to profile minors and recognize early signs to detect delinquent behavior, which is a "guarantee" for their future and healthy upbringing.

Recently, in an effort to more clearly identify the etiology of criminal behavior and channel activities towards a proactive approach, namely preventive problem-solving, a matrix similar to that used in the medical community is being applied. For example, to assess the risk of diabetes, a disease influenced by genetic factors or environmental factors, a doctor procedurally gathers patient medical history data, including family history, lifestyle, diet, obesity, blood pressure, stress, etc., to measure the risk to their health. After considering the risks, the doctor will suggest ways for the patient to neutralize or reduce them. This mechanism can be effective in determining the type of intervention that suits the needs of young people, especially those exposed to certain risk factors for delinquency (Bjelajac, 2023: 88). Therefore, the perception of the origin of criminal behavior can be a good introduction or tool for criminal profiling. Thus, the skill of profiling and/or the concept of profiling, as a protective factor, has the potential to be an important countermeasure to risk factors.

Conclusions

Systematic consideration of developmental risk factors predicting antisocial and/or criminal behavior and persistence in criminal activities is crucial for analyzing crime and creating effective and sustainable strategies for a proactive approach to the causes that stimulate criminal behavior. Relevant studies focusing on the characteristics, processes, dynamics, and development of criminal behavior have enhanced understanding of the factors preceding or causing it. The interaction of multiple risk factors – predictors for delinquency and behavioral disorders, also explains the nature and patterns of persistence in criminal behavior.

Risk factors related to the social environment (socioeconomic status, preschool experiences, educational failure and truancy, quality of after-school care, peer rejection and association with antisocial peers, etc.) can be strong predictors of general delinquency.

Risk factors associated with parents and family (dysfunctional family, broken home, parenting styles and practices, parental supervision, parental alcohol and substance abuse, influence of siblings, parental psychopathology, neglect and abuse, etc.) indicate the crucial role of these factors in predicting criminal behavior. It is assumed that family problems not only predict criminal behavior but also play a significant role as a potential cause of later persistence in criminal acts.

The role of psychological factors in predisposing to criminal behavior is evident. These factors include personality characteristics, comorbid psychiatric conditions, values judgments and cognitions, affective component, and motivation. Their interactive effect produces different levels of antisocial conditions and problematic behaviors. Attachment disorder is a condition that affects mood or behavior and hinders people from forming and maintaining relationships with others. Risk factors for this disorder may include caregivers with poor parenting skills, parental neglect, emotional, physical, or sexual abuse, parental anger, parents with psychiatric conditions, prenatal exposure to alcohol or drugs. Exposed children may suffer from behavior disorders, lack or absence of empathy, which is the ability to understand and share feelings

for others. They may also have other disorders, such as cognitive-communication disorders, attention deficit hyperactivity disorder, oppositional defiant disorder, etc.

Protective factors as predictors of risk factors should operate as part of prevention programs to assess and intervene proactively towards each of the identified risk factors.

References

- Aggarwal, A., & Marwaha, R. (2022). Oppositional Defiant Disorder. *In StatPearls*. StatPearls Publishing. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK557443/>
- American Psychiatric Association, DSM-5 Task Force. (2013). *Diagnostic and statistical manual of mental disorders: DSM-5™(5th ed.)*. Washington, DC: American Psychiatric Publishing, Inc.
- Åslund, O., Grönqvist, H., Hall, C. & Vlachos, J. (2018). Education and criminal behavior: Insights from an expansion of upper secondary school. *Labour Economics, Volume 52*, pp. 178-192. <https://doi.org/10.1016/j.labeco.2017.11.007>
- Bagwell, C. (2004). Friendships, peer networks, and antisocial behavior. In J. B. Kupersmidt & K. A. Dodge (Eds.), *Children's peer relations: From development to intervention* (pp. 37–57). Washington, DC: American Psychological Association. <https://doi.org/10.1037/10653-003>
- Bartol, C., & Bartol, A. (2017). *Criminal Behavior a Psychological Approach (11th edition)*. Harlow: Pearson Education Limited.
- Baumrind, D. (1991). Parenting styles and adolescent development. In J. Brooks-Gunn, R. M. Lerner, & A. C. Petersen (Eds.). *The encyclopedia on adolescence* (pp. 746–758). New York: Garland Publishing.

- Bjelajac, Ž. (2014a). *Trgovina ljudima - Zločin protiv čovečnosti* [Human Trafficking – Crime Against Humanity]. Pravni fakultet za privredu i pravosuđe.
- Bjelajac, Ž. (2008). *Moderno ropstvo* [Modern Slavery]. DTA.
- Bjelajac, Ž. (2014b). Alijenacija čoveka u eri naučnotehnološkog razvoja i globalizacije kao uzrok porasta i raznolikosti organizovanog kriminala [Human Alienation in the Era of Scientific and Technological Development and Globalization as a Cause of Increase and Diversity of Organized Crime]. *Kultura polisa*, 11(25): 385–396.
- Bjelajac, Ž. (2023). *Poreklo kriminalnog ponašanja* [Origin of Criminal Behavior]. Pravni fakultet za privredu i pravosuđe u Novom Sadu.
- Bjelajac, Ž., & Matijašević, J. (2013). Nasilje kao oblik socio-patološkog ponašanja [Violence as a Form of Sociopathological Behavior]. *Kultura polisa*, 10(22): 409–425.
- Bjelajac, Ž., & Merdović, B. (2019). Nasilje nad decom u porodici [Violence Against Children in Family]. *Kultura polisa*, 16(39): 191–202.
- Bjelajac, Ž., Matijašević, J., & Dimitrijević, D. (2012). Značaj uspostavljanja međunarodnih standarda u suzbijanju visokotehnološkog kriminala [The importance of establishing international standards in combating high-tech crime]. *Međunarodna politika*, 63(1146): 66–84.
- Bjelajac, Ž. & Filipović, A. M. (2020). Internet Addiction Disorder (IAD) as Paradigm of Lack of Security Culture. *Kultura polisa*, 17(43), 239–258. Retrieved from <http://kpolisa.com/index.php/kp/article/view/244>
- Blandon, A., Calkins, S., Grimm, K., Keane, S., & O'Brien, M. (2010). Testing a developmental cascade model of emotional and social competence and early peer acceptance. *Development and psychopathology*, 22(4): 737–748. <https://doi.org/10.1017/S0954579410000428>

- Burstein, M., Ginsburg, G., & Tien, J.Y. (2010a). Parental anxiety and child symptomatology: An examination of additive and interactive effects of parent psychopathology. *Journal of Abnormal Child Psychology*, 38(7): 897–909.
<https://doi.org/10.1007/s10802-010-9415-0>
- Burstein, M., Ginsburg, G., Petras, H., & Ialongo, N. (2010b). Parent psychopathology and youth internalizing symptoms in an urban community: A latent growth model analysis. *Child Psychiatry of Human Development*, 41(1): 61–87.
<https://doi.org/10.1007/s10578-009-0152-y>
- Coie, J., & Miller-Johnson, S. (2001). Peer Factors and Interventions. In: R. Loeber & D. Farrington (Eds.). *Child delinquents: Development, intervention, and service needs*, (pp. 191–209). Sage Publications.
- Family-Based Risk and Protective Factors and their Effects on Juvenile Delinquency: What Do We Know? (2008). *Public Safety Canada*.
<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/wht-knw/index-en.aspx#a11>
- Frick, P., & Nigg, J. (2012). Current issues in the diagnosis of attention deficit hyperactivity disorder, oppositional defiant disorder, and conduct disorder. *Annual Review of Clinical Psychology*, 8, 77–107. <https://doi.org/10.1146/annurev-clinpsy-032511-143150>
- Harpin, V. (2005). The effect of ADHD on the life of an individual, their family, and community from preschool to adult life. *Archives of disease in childhood*, 90 Suppl 1(Suppl 1), i2–i7.
<https://doi.org/10.1136/adc.2004.059006>
- Hart, C., et al. (1998). Overt and relational aggression in Russian nursery-schoolage children: Parenting style and marital linkages. *Developmental Psychology*, 34(4):687–697.
<https://doi.org/10.1037/0012-1649.34.4.687>
- Koolhof, R., Loeber, R., Wei, E. H., Pardini, D., & D'Escury, A. C. (2007). Inhibition deficits of serious delinquent boys of low intelligence.

- Criminal behaviour and mental health : CBMH*, 17(5), 274–292.
<https://doi.org/10.1002/cbm.661>
- Kovačević Lepojević, M., Merdović, B., & Živaljević, D. (2022). The systematic review of school-based programs focused on externalising problems in students. *Teme*, 46(2), 361-375.
- Manfredi, C. (1985). Crime and Human Nature – A review of Crime and Human Nature, by James Q. Wilson and Richard J. Herrnstein. *Vintage CRB*, 4(4). <https://claremontreviewofbooks.com/crime-and-human-nature/>
- Mounts, N. (2002). Parental Management of Adolescent Peer Relationships in Context: The Role of Parenting Style. *Journal of Family Psychology*, 16(1): 58–69.
<https://doi.org/10.1037//0893-3200.16.1.58>
- Naik, SS., Malathesh, BC., Basavarajappa, C. & Math, SB. (2021). *Juvenile Justice Act (JJA), 2015, (Chapter 7)*. In: Naik SS, Damodharan D, Kumar CN, Math SB (Eds). Forensic Psychiatry in India – Interface between Indian Law and Mental Health (pp. 78-97). Bengaluru- India. NIMHANS publication No: 196.
- Newcomb, A., Bukowski, W. & Pattee, L. (1993). Children's peer relations: A meta-analytic review of popular, rejected, neglected, controversial and average sociometric status. *Psychological Bulletin*, 113(1): 99–128.
<https://doi.org/10.1037/0033-2909.113.1.99>
- Ollendick, T., & Herson, M. (Eds). (1989). *Handbook of Child Psychology (2nd ed)*. New York, NY: Springer Science + Business Media New York.
- Padowitz, K. (2015). *Risk Factors For Criminal Behavior | A Child's Preschool Experience*. <http://www.psychology-criminal-behaviorlaw.com/2015/01/risk-factors-for-criminal-behavior-preschool-experience/>
- Reported violent crime rate in the U.S. 1990-2022 (2023). Published by Statista Research Department, Oct 20, 2023.

<https://www.statista.com/statistics/191219/reported-violent-crime-rate-in-the-usa-since-1990/>

- Saladino, V., Lin, H., Zamparelli, E., & Verrastro, V. (2021). Neuroscience, Empathy, and Violent Crime in an Incarcerated Population: A Narrative Review. *Frontiers in psychology, 12*, 694212. <https://doi.org/10.3389/fpsyg.2021.694212>
- Stattin, H., & Kerr, M. (2000). Parental monitoring: A reinterpretation. *Child Development, 71*(4): 1072–1085. <https://doi.org/10.1111/1467-8624.00210>
- The Challenge of Crime in a Free Society: A Report by the President's Commission on Law Enforcement and Administration of Justice (1967). Government Printing Office.
- Wasserman, G., & Seracini, A. (2001). Family risk factors and interventions. In R. Loeber & D. Farrington (Eds.). *Child delinquents: Development, intervention, and service needs* (pp. 165–189). Sage Publications.
- Wasserman, G., et al. (2003). Risk and Protective Factors of Child Delinquency. *Child Delinquency, Bulletin Series*. Washington DC: US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, pp. 1–16.
- Webster-Stratton, C., & Taylor, T. (2001). Nipping early risk factors in the bud: preventing substance abuse, delinquency, and violence in adolescence through interventions targeted at young children (0-8 years). *Prevention Science, 2*(3), 165–192. <https://doi.org/10.1023/a:1011510923900>
- What is a Cognitive-Communication Disorder? (n.d.). <https://tactustherapy.com/what-is-cog-comm/>

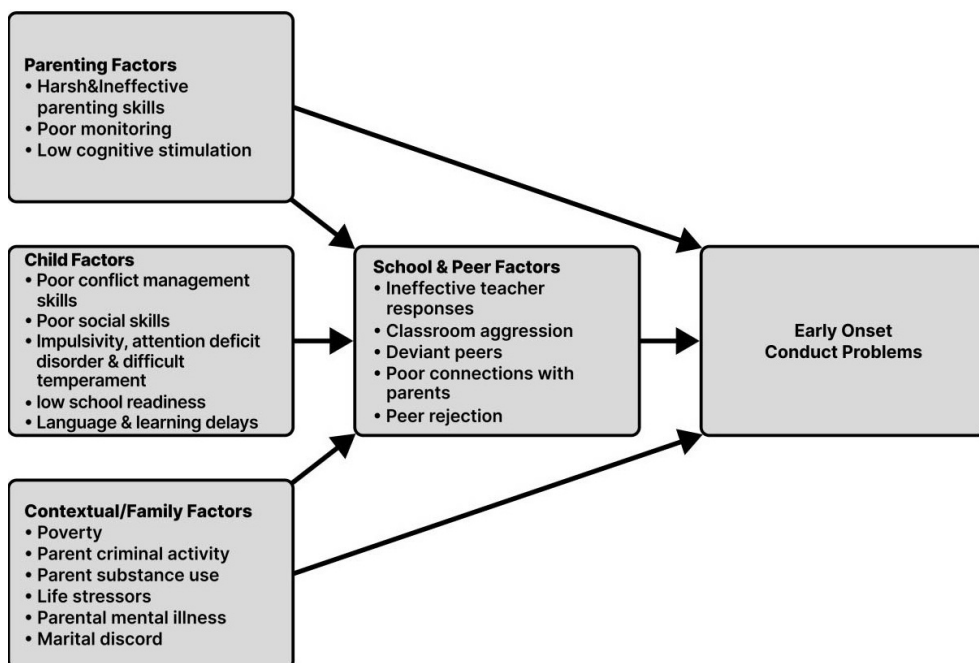
Appendix

Figure 1. The Three Major Disciplinary Perspectives in Criminology

Perspective	Influence	Focus
Sociological criminology	Sociology Anthropology	Examines relationships of demographic and group variables to crime: focuses on the structure of society and the culture of groups and how these influence criminal behavior
Psychological criminology	Psychology	Focuses on individual criminal behavior; the science of the behavior, emotional, and mental processes of the criminal
Psychiatric criminology	Psychiatry	The contemporary perspective examines the interplay between psychobiological determinants of behavior and the social environment; traditional perspectives look for the unconscious and biological determinates of criminal behavior

(Bartol & Bartol, 2017: 29)

Figure 2. Risk factors related to conduct problems.



(Webster-Stratton & Taylor, 2001)

Figure 3. Juvenile delinquency risk factors associated with family according to age of children and adolescents.

Cumulative and interactive effects of risk factors				
	6-12 years	13-17 years	18 and older	
Cumulative and interactive effects of risk factors	Family dynamic and functioning	<ul style="list-style-type: none"> • Poor parental practices • Parental and/or sibling criminality • Anti-social parents with attitudes that support violence • Family conflicts • Parents with substance abuse problems • Physical abuse and neglect • Family violence 		<ul style="list-style-type: none"> • Poor parental practices • Parental and/or sibling criminality • Family violence • History of poor treatment
	Family characteristics	<ul style="list-style-type: none"> • Unstable family income • Broken home • Family mobility • Mental health of parents • Young mother • Number of children in the family • Single parent family • Parental past 	<ul style="list-style-type: none"> • Unstable family income • Broken home • Family mobility 	<ul style="list-style-type: none"> • Unstable family income
	Area of residence	<ul style="list-style-type: none"> • Poor area • Presence of young offenders 	<ul style="list-style-type: none"> • Poor area • Crime in the area • Presence of youth gangs • Availability of drugs and firearms 	<ul style="list-style-type: none"> • Poverty • Crime • Youth gangs • Drugs and firearms

(Family-Based Risk and Protective Factors..., 2008)

Figure 4. Domain-wise risk and protective factors for juvenile delinquency

Domain	Risk factors	Protective factors
Individual	<ul style="list-style-type: none"> ▪ Early antisocial behaviour ▪ Emotional factors such as low behavioral inhibitions ▪ Poor cognitive development ▪ Hyperactivity ▪ Poor academic performance 	<ul style="list-style-type: none"> ▪ Positive social skills ▪ Willingness to please adults ▪ High IQ ▪ Religious affiliations
Family	<ul style="list-style-type: none"> ▪ Inadequate or inappropriate child rearing practices ▪ Home discord ▪ Maltreatment and abuse ▪ Large family size ▪ Parental antisocial history ▪ Poverty ▪ Exposure to repeated family violence ▪ Divorce ▪ Parental psychopathology ▪ Teenage parenthood ▪ A high level of parent-child conflict ▪ A low level of positive parental involvement 	<ul style="list-style-type: none"> ▪ Children's participation in shared activities with family (including siblings and parents) ▪ Providing a forum to discuss problems and issues with parents ▪ Availability of economic and other resources to help children have multiple positive experiences ▪ The presence of an adult (with a positive outlook and hope for the child) in the family/extended family who can mentor and be supportive
Peers	<ul style="list-style-type: none"> ▪ Spending time with peers who engage in delinquent or risky behaviour ▪ Gang involvement ▪ Less exposure to positive social opportunities because of bullying and rejection 	<ul style="list-style-type: none"> ▪ Positive and healthy friendships ▪ Engagement in healthy and safe activities with peers during leisure time (e.g., clubs, sports, other recreation)
School/ neighborhood/ Community	<ul style="list-style-type: none"> ▪ Schools that are unsafe and fail to address the academic, social and emotional needs of children and youth ▪ Low educational aspirations & social disorganization in the community ▪ Living in an impoverished neighborhood ▪ High crime neighborhoods 	<ul style="list-style-type: none"> ▪ Schools that address not only the academic needs of youth but also their socio-emotional needs and learning ▪ Schools that provide a safe environment ▪ A community/neighborhood that promotes and fosters healthy activities for children and adolescents

(Naik, et al., 2021)

Poreklo kriminalnog ponašanja u kontekstu razvojnih faktora rizika

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Sažetak

Istraživanja složenosti ljudske prirode i zločina oduvek su pobuđivala pažnju celokupne društvene zajednice koje se permanentno nosila sa ovim izazovima. Poreklom kriminalnog ponašanja i objašnjenjem zločina bavile su se brojne naučne studije. Od početka 19. veka, široke naučne perspektive, polazile su od toga da je zločin neizbežan derivat opšteg siromaštva, nezaposlenosti i lošeg roditeljstva i/ili simptom individualnih psihičkih nedostataka, pa sve do stanovišta da se zločin pripisuje društvenim uslovima. Danas se poreklo kriminalnog ponašanja razmatra u kontekstu bioloških faktora, učenja i situacionih faktora, i prevashodno razvojnih faktora rizika (faktori rizika socijalnog okruženja, faktori rizika povezani sa roditeljima i porodicom, psihološki faktori rizika), koji su u fokusu ovog rada. Cilj ovog rada je da se sagledaju implikacije kompleksnih interakcija navedenih razvojnih faktora i njihova uloga u poreklu kriminalnog ponašanja.

Ključne reči: Kriminalno ponašanje, razvojni faktori rizika, porodica, škola, socijalno okruženje, psihološki faktori.

Historical Development of Collective Bargaining

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Article Information•

Research Article • UDC: 331.106.24

Volume: 21, Issue: 1, pages: 43-62

Received: October 14, 2023 • Accepted: November 20, 2023

<https://doi.org/10.51738/Kpolisa2024.21.1r.43gr>

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We have no known conflict of interest to disclose.

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• Cite (APA): Galić, B. & Raonić, R. (2024). Historical Development of Collective Bargaining. *Kultura polisa*, 21(1), 43-62, <https://doi.org/10.51738/Kpolisa2024.21.1r.43gr>



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Summary

Collective bargaining, often referred to as a "legal bridge" or legal instrument in the hands of participating parties, traces its historical roots back to the 19th century. The significance of collective bargaining is no less than that of a collective agreement. The historical climate for dialogue and bargaining between parties in the employment relationship was changing. This is primarily influenced by the fact that our country went through the Balkan war and later two world wars, which left an impact on labor relations and everything related to that legal institution. As labor relations historically changed and modernized, along with the transformation of labor relations at the end of the 20th century, collective bargaining takes on a new form and significance. It represents, among other things, a "good culture" between workers on the one side and employers on the other. The authors of the paper aim to emphasize the significance of the historical development of collective bargaining, which is, among other things, unique to each country, and therefore, its cultural importance of labor relations has undoubtedly influenced approaching contemporary collective bargaining in a systematic and responsible manner. The following sections of the paper will pay special attention to the current normative state in the field of collective bargaining and some of its specific features.

Key words: employee, employer, collective bargaining, collective agreement, social dialogue

Historical Development of Collective Bargaining

Introduction

Collective bargaining as a process accompanying the conclusion of collective agreements is closely tied to them. Their significance has evolved throughout history. Today's approach to collective bargaining is quite different from what it was in the mid-19th century. The development of collective bargaining followed the paths of the industrial revolution. The origin of collective bargaining can be traced back to the industrial revolution in the 18th and early 19th centuries, a period of profound technological, economic, and social changes that began in the United Kingdom and then spread to Western Europe, North America, and other parts of the world (Koufman, 2004.). Collective bargaining is deeply linked with the historians of the trade union movement, Sidney and Beatrice Webb, while the avant-garde of creativity regarding collective bargaining are considered to be (Dunlop, 1944; and Leontief, 1946). If we were to trace the genesis of the need for collective bargaining and collective agreements, it can be said that it occurred when capital took precedence over human labor. In order to secure a more favorable position for workers, through the process of unionization, workers came into an equal situation with capital owners (employers), and thus, a situation arose where the voice of the working class could be heard through negotiation and agreements. Thus, collective bargaining emerged as a means to balance otherwise unequal (individual) bargaining power in labor relations to correct deep inequalities and injustices (Hayter, 2011., p. 2). Throughout their existence, trade unions have had the status of supporting pillars of the social model, primarily in Western European countries and to a lesser extent in Eastern European countries (Bataveljić, 2019., p. 138). The cradle of trade union organization is considered to be England, where in the second half of the 19th century, unions gained legitimacy through a special law (Trade Union Act – 1871.) (Buklijaš & Bilić, 2006., p. 66). The culmination of collective bargaining in the 19th century was

the first collective agreement concluded in the French city of Lyon in 1830, but it was later annulled (Ravnić, 2004., p. 400). The law of 1919 gave collective agreements their own legal significance in French law for the first time. The first European laws recognizing collective agreements were: the Dutch Civil Code of 1907, the Swiss Code of Obligations of 1911, and later, in Norway in 1915, in Germany in 1918, in France and Austria in 1919, and in Sweden in 1928. In the development of collective bargaining, two specific periods can be recognized. There are two periods in the development of collective bargaining: the period of acceptance and the creation of legal frameworks for collective bargaining (validity of agreements, recognition of the right to industrial action). The second period occurred from the early 1970s to the end of the 1980s, when the state began to play a more dynamic role in collective labor relations. In fact, from that time onwards, states encouraged collective bargaining and cooperation between social partners at various levels (Bodiroga-Vukobrat & Laleta, 2007., p.3).

In our country, collective agreements were regulated by the Law on Acts of the Kingdom of Yugoslavia dated November 9, 1931 (Buklijaš, 2012., p. 103). After World War II, collective agreements, and consequently collective bargaining, diminished because they did not align with a centrally planned or self-managed economy. However, they persisted in the private sector, which was marginalized. Parties to collective bargaining could be groups or legally recognized organizations (unions) or de facto groups (strike committees), which did not necessarily need legal recognition or establishment. In principle, individuals could not be parties, except on the employer's side. The main subject of the collective bargaining at that time was the regulation of working conditions, especially wages, working hours, rest periods, employment, and ultimately the termination of employment. Participants in collective bargaining freely chose the period for which the collective agreement would be applicable (specified or unspecified period). The main drawback of the agreements at that time was that the collective agreement only applied to members of the union or committee that had concluded the collective agreement, excluding

other employees who bargained but were not, for example, union members, which is unimaginable in today's system of labor relations.

Collective bargaining represents the oldest form of social dialogue and the most important way of regulating relations between employers and unions based on mutual compromise and a common agreement (Urdarević, 2021., p. 100). Through collective bargaining, existing problems are attempted to be resolved to the satisfaction of all participants, as much as possible. The final outcome of collective bargaining is the collective agreement (Učur, 2010., p. 676). Today, the right to collective bargaining on working and employment conditions is enshrined in many constitutions, based on the principles of political and economic democracy, incorporated into fundamental social rights, and thus recognized as fundamental human rights (Veg, 1993., p. 272). In that sense, collective bargaining is an important dimension of the industrial relations system because it determines the capacity of collective agreements to provide effective protection for employees. Furthermore, it is identified as a key institution in reducing wage disparities and limiting labor and market dualization (Bosch, 2015., pp.57-66). The current situation regarding collective bargaining is not at a satisfactory level, but it is much better than it was in the past (Kulić et al., 2017., p. 151). For negotiations to be ethically acceptable and non-coercive, conditions must be created for each party, in defending and representing its interests, to act without pressure and domination from the other party. Moreover, the success of collective bargaining requires a reasonable balance of power and equality between the parties in negotiations. Hence, union organization is crucial and almost decisive for the position of employees in the work process, because an isolated individual - an employee, can often find themselves in a situation where they accept unfavorable employment conditions (Brković, 2015., p.88). According to Blanpain (2003., p. 549), "today's collective bargaining presents at the European level as "a delicta flower".

The historical development of collective bargaining in the Republic of Serbia

In the Republic of Serbia, collective bargaining began to develop in the period following the First World War with the Law on the Protection of Workers of the Kingdom of Yugoslavia from 1922. Collective bargaining was initially introduced as a possibility, but with the enactment of the Labor Act in 1931, it became mandatory. After the Second World War, collective bargaining practically did not exist and only covered employees in the private sector (Kosanović & Paunović, 2010., pp.27-29). During the period of employees' self-management, collective bargaining and collective agreements were practically non-existent. Due to fulfillment of employees' conditions and the inability to terminate employment, the will and desire of the working class of that time were not expressed. This was a period of "calm waters" through which the working class passed with the disintegration of the Socialist Federal Republic of Yugoslavia in the late 1980s, the collective agreement was reintroduced into legislative frameworks, reviving the negotiation process with the Law on Basic Rights from 1989. The constitutionalization of the right to collective bargaining in our country occurred with the adoption of the Constitution of the Republic of Serbia in 1990, a course retained with the Constitution of 2006. Our country is actively engaged in ratifying international acts related to this sphere of collective bargaining. The creation of the legal platform to strengthen the influence of collective agreements and collective bargaining in labor law has been influenced by the conventions and recommendations of the International Labor Organization. In the developed world, collective bargaining has long become an indispensable element of social dialogue, ensuring a balance of various interests in the labor process. Hence, it is not surprising that the International Labor Organization, through conventions and recommendations, creates legal labor platforms for the development of this institute worldwide. Thus, the adoption of Convention No. 87 on Freedom of Association and Protection of the Right to Organize, Convention No. 98 on the Right to Organize and

Collective Bargaining, and Recommendation No. 91 on Collective Agreements, by the International Labor Organization has significantly contributed to placing the “right to a collective agreement and collective bargaining” on the pedestal of fundamental labor rights.

The historical development of collective bargaining worldwide

Globalization has altered American labor law and the nature of labor relations. Individual bargaining, which historically held precedence in the United States, began leaning toward collective bargaining. As individual bargaining evidently did not meet the needs of employees, the United States Congress and the President decided that it was in the interest of workers and the country to adopt federal laws that protect and encourage collective bargaining as an important means to address employees’ needs. Accordingly, in 1935, Congress passed the Wagner Act (known as the National Labor Relations Act) to promote “equality in bargaining power between employees and management” and to promote “industrial peace.” The idea was that, even though employees might not be able to individually negotiate with employers to achieve higher wages, benefits, and to have a greater say in managing their companies and society, they could unite to achieve these tasks through a collective agreement (Dau Schmidt & Brun, 2004., pp. 21–22). Collective bargaining allows for an individualized solution based on the enterprise and can address many of the market imperfections of individual bargaining. Unfortunately, due to the minimal organization of employees in the United States, relying on collective bargaining leaves the majority of employees without an effective way to address their needs in the employment relationship. Protective state and federal legislation provide the least individualized way of addressing employees’ needs. This is also administratively expensive. However, protective legislation can be used to provide at least some relief from the issues of individual bargaining for all employees. Moreover, the system of individual rights and enforcement used in most protective laws aligns well with the American

legal system and ideals of individualism (Dau Schmidt, 1993., pp. 692-698). A secondary method for meeting employees' needs is through common law. The law of individual contracts is primarily shaped through state judicial decision, although federal common law regulates the enforcement of collective agreements.

In Nordic countries, except from Finland, collective bargaining, alongside collective agreements, has become a form of uniform regulation of wages and employment conditions in the late 19th and early 20th centuries (Malmberg, 2001., p.190). Sweden's labor relations have historically been characterized by a high rate of unionization. Unions began rapid development in the 1930s. Today, the density of unions is higher in the public sector than in the private sector. Another characteristic is that Swedish employers have accepted collective bargaining and collective agreements as instruments for regulating employment relations since the early decades of the 20th century. In fact, until the 1970s, employment conditions for private sector employees were almost exclusively regulated through collective agreements. From 1974 onwards, the legislator introduced a series of laws to balance between agreements and laws. Nevertheless, collective agreements still exist and remain the predominant source of norms influencing the content of individual employment (Ahlberg & Bruun, 2005., p.1). The historical development of collective bargaining in Sweden has followed abundant specificities, characterizing Sweden with a high degree of collective autonomy and non-intervention by the state. When unions and employers agree to regulate matters themselves, the government does not intervene.

Collective bargaining in South Africa traces its origins back to the Conciliation Act of 1924. With the enactment of this law, the establishment of industrial councils was envisaged to advocate for employees' rights, a structure that still exists today (except for the name change to the Bargaining Council in 1995). For the first 55 years, the law was discriminatory towards black employees, denying them participation in centralized collective bargaining. However, the emergence of democratic black unions with strong organizational foundations in the early 1970s, along with increasing international

pressure against apartheid state regimes, compelled the South African government in 1979 to allow black unions to register and join industrial councils (Maree, 1991., p.85). This marked a fundamental turning point for labor relations in South Africa. During the 1980s and early 1990s, the landscape of industrial relations underwent a dramatic change, with black unions rapidly growing, gaining recognition from employers, and participating in industrial councils (Maree, 2009., p.1). What further strengthened this situation in South Africa was the transformation of the country in 1994, when the majority of black citizens governed South Africa, led by Nelson Mandela. The Labor Relations Act of 1995 expanded full rights to collective bargaining, almost covering the entire public service, including domestic and agricultural workers, and the Industrial Council changed its name to the Negotiating Council (Maree, 2009., p.1).

After the social and economic upheavals resulting from state-controlled settlement during the Weimar Republic (1919–1933), the Federal Republic of Germany (1949–1990) refrained from direct intervention in collective bargaining. One of the fundamental rights contained in the German Constitution of 1949 is the freedom of coalition. The freedom enjoyed by social partners to engage in collective bargaining on behalf of their members without state intervention is one of the most important, tangible manifestations of this fundamental right. The legal regulation governing collective bargaining is intentionally limited, with their primary aim to strengthen the bargaining privileges of trade unions and employers' associations and establish collective agreements as binding. The primary legal instrument is the Collective Bargaining Act (Tarifvertragsgesetz) of 1949 (International Labor Organization 2021., p.9). According to the legal provisions at that time, collective agreements could be concluded between employers' associations (or individual employers) on one side and trade unions on the other. In contrast, workers' councils – legally employed representative bodies elected in the workplace – do not have the possibility of collective bargaining and therefore can only conclude employment contracts (Schulten & Bispinck 2018., p.106). Germany is undoubtedly a good example to use as a basis for exploring the role

of collective bargaining. Coverage by collective agreements remains high in specific sectors of the German economy, particularly in those with a higher density of unions and strong employees' councils. Social partners in these industries have been able to negotiate the setting of trends through collective agreements, which can also serve as models for other countries (International Labor Organization, 2021., p.9). Germany serves as a regional example of how the decentralization of collective bargaining is carried out. While many European countries faced a trend of decentralizing collective bargaining from the 1990s, this development generally did not lead to a decline in bargaining coverage. The central pillar of the German model was the dual system of interest representation, based on employees' councils at the enterprise level and negotiation with multiple employers at the industry level, encompassing unions and employers' associations, ensuring high bargaining coverage and efficient implementation of collective agreements (Muller & Schulten, 2019., p.239). For instance, in the UK, since the 1980s, the company has become the dominant bargaining level. In contrast, most central and Eastern European countries have predominantly company-level bargaining, with the exception of Slovenia, which has established a sector-level bargaining system (Kohl, 2009.). What distinguishes and makes the legal solution in collective bargaining in Germany positive is certainly that the final phase of collective bargaining, the "signing of the collective agreement", is approved by executive bargaining committees (Bacaro & Simoni, 2010., p.605).

The current legal status of collective bargaining in the Republic of Serbia

In today's employment system of the 21st century, collective bargaining is a process that receives significant attention. Appropriate measures, according to national conditions, should be taken if needed to stimulate and enhance the development and wider use of voluntary negotiation procedures through collective agreements between employers and employer organizations on one side, and workers'

organizations on the other, in order to determine working conditions through the process (National Assembly of the FPRY, Article 4). Collective bargaining in today's employment system has three approaches: national, regional, and at the employer level. In the Federal Republic of Germany, France, Sweden, the Netherlands, etc., negotiations take place at the national and regional levels between national central trade union organizations and employers. However, even in these countries, there is an option for "additional" bargaining at the employer level, where workers are not always represented by union representatives. Negotiations at the level of individual enterprises or companies prevail in Japan, Congo, and the USA. In the USA, regional and state (national) negotiations take place in industries such as railways and coal mining, for example (Učur, 2006., p. 547). In the Republic of Serbia, the primary approach is currently relevant, allowing the conclusion of general, specific, and employer-level collective contracts under the Primary Labor Law (National Assembly of the Republic of Serbia, 2018, Article 241). The largest scope and quality of rights are expected in employer-level collective agreements, which is why employers tend to avoid them. Namely, the best prevention of current issues in the field of union organization and collective bargaining is the affirmation of social dialogue (Jovanović, 2010., p. 431). Collective bargaining in the Republic of Serbia today is characterized by minimal desire and interest among negotiating participants. This is especially due to legal limitations on who can initiate the bargaining process, specifically only the representative union. Another issue that arises here as a potential problem is whether collective bargaining has indeed been conducted in the best possible way, considering the fact that a representative union requires 10% of employees, and whether this small percentage can truly reflect the will and true state of the employees in collective bargaining. In environments with low trust between employers and workers, where workers are largely excluded, decisions affecting them will be less motivating to work hard. In contrast, in environments with high trust, where employees and their unions are integrated into the decision-making process, and where both parties accept each other's legitimacy,

goals such as increasing productivity and cost reduction can be achieved through collective bargaining. Overall, the "work atmosphere" in industrial relations will be a critical determinant of a company's performance (Laroche, 2020., p.6). Social integration of labor reduces the possibilities and intensity of potential social conflicts within the company and society, providing social peace. Participation as a form of social integration of labor contributes to the development of industrial democracy (Simonović & Bogićević, 1996., p.17). What makes the current normative state additionally specific is the existence of the Work Rulebook as a possible substitute for the Collective Agreement, further complicating and hindering the employees from negotiating and thereby participating in protecting their rights. Thus, with the Work Rulebook, or the employment contract in accordance with the law, the rights, obligations, and responsibilities arising from employment are regulated if: 1) no union is established at the employer or if no union meets the representativeness criteria, or if there is no agreement on union association according to the law; 2) none of the participants in the collective agreement initiates negotiations for the conclusion of a collective agreement; 3) participants in the collective agreement fail to reach an agreement within 60 days from the commencement of negotiations; 4) the union does not accept the employer's initiative to negotiate a collective agreement within 15 days of receiving the negotiation invitation. In the case of paragraph 2, item 3 of this Article, collective agreement participants are obliged to continue negotiations in good faith. In the case of paragraph 2, item 3 of this Article, the employer is obliged to submit the Work Rulebook to the representative union within seven days from the date of its entry into force. An employer who refuses the representative union's initiative to negotiate a collective agreement cannot regulate the rights and obligations through the Work Rulebook. The Work Rulebook is adopted by the employer's competent body, established by law, or the employer's founding or another general act. For public enterprises and capital companies whose founder is the Republic, an autonomous province or a local self-government unit (hereinafter: public enterprise), the Work Rulebook is adopted with the

prior consent of the founder. The Work Rulebook ceases to be valid on the day the collective agreement enters into force (National Assembly, 2018, Article 3). Another possible substitute for the collective agreement, bypassing collective bargaining, is the option to sign an agreement according to Article 250 of the Labor Law, which has its advantages and disadvantages (Kulić & Vuković, 2017., pp. 211-219). Interpreting these law provisions, we understand that the work rulebook and the agreement appear as an exceptional form of regulating labor rights in the absence of a collective agreement. What specifically affects the conclusion of a work rulebook and makes it a specific legal act is the absence of participants, lack of negotiation initiative, lack of consensus, non-acceptance of the employer's initiative to conclude a collective agreement. It is worth noting the potential danger and abuse that the legislator has not prescribed an ultimate limit, i.e., the duration of collective bargaining when harmonizing a collective agreement or signing it. This is important because based on these articles and provisions, the collective agreement participants are "advised" to continue negotiations "in good faith", without providing a final time limit within which the collective agreement "must be concluded". According to this legal regulation, collective bargaining can be abused in a way that the Work Rulebook cover legal gaps, thereby protecting the employer from criminal liability and thus, avoiding the conclusion of the collective agreement, which is the ultimate goal in regulating labor relations. In other words, every employer can, knowingly or unknowingly, especially if the standard of "good faith" is lacking (which is also related to the democratization of labor relations), create an environment in their enterprise where collective bargaining is impossible (bad atmosphere). Then, the employer unilaterally regulates labor relations with its act, or even reduces the regulation of labor relations to the field of individual negotiation (employment contract) with each worker individually. In cases where the employees regulate their labor law position only through an employment contract, they are minimally protected. In fact, they are protected to the extent provided by the law and their

own "negotiating power", i.e. the status, place, and role they have within the employer's domain¹ (Jovanović, 2004., p. 344).

Conclusion

Through the development and modernization of the science of labor law, placing collective agreements and collective bargaining on the pedestal of fundamental labor rights best illustrates their significance and importance. It is a well-known fact that collective agreements are inevitability in labor relations in the 21st century, and therefore, collective bargaining becomes a mechanism through which the legislator allows the subjects of labor relations to facilitate and improve their relationship. Collective bargaining has undergone significant changes throughout its historical development. Initially, it operated at the level of individual negotiations, but with the strengthening and development of industry through unions, it evolved to satisfy one of the basic labor rights today, which is the right to collective bargaining. The pillar through which collective bargaining should fulfill its function is the union, which, over historical periods, has further strengthened and affirmed the idea of "collective faction" for the additional implementation and development of labor relations. Although the union was initially an independent "group of people", according to many, they are not truly independent, unbiased, or politically neutral body, as it should be in essence. This, in turn, hinders the current process of collective bargaining. Moreover, considering the fact that throughout history, and even today, collective bargaining predominantly occurs under a certain veil of secrecy, it raises doubts as to whether the ultimate limits of each side have been fully utilized.

¹ The interesting practice of the European Court is reflected in one of its opinions, stating, "Given that the legal order of the Union expressly recognizes the right of social partners to freely resolve their disputes through negotiation and on an equal footing, it would not be consistent to require them to use specific dispute resolution mechanisms. Instead, their autonomy lies in choosing an appropriate way to reach an agreement and to accept (or reject) a settlement offer independently of their interests. Therefore, they cannot be reproached for pursuing those interests in the manner that suits them best" (C-28/20, March 16, 2021).

Collective bargaining in today's labor relations system in the Republic of Serbia is characterized by specific features that demand careful attention. Hence, the Work Rules and the Agreement should not be substituted for the collective labor agreement, as they differ fundamentally, especially in the lack of the collective bargaining process. The Work Rules and the Agreement are more unilateral acts, whereas the collective labor agreement is a mutually binding act based on the agreement of wills. This, in turn, initiates a hearing of the other party through collective bargaining, contributing to a "higher quality" when regulating labor relations. The collective labor agreement should become a legally binding act as a product of mandatory collective bargaining, and any potential substitutes would lead to the abuse in concluding the collective labor agreement. This should be regulated by changing and applying the "old" collective labor agreement until the conclusion of the "new" one. The "old" collective labor agreement would serve as a "safety key" in the hands of employees, ensuring the signing of a new one, preventing employers from bypassing the collective labor agreement and imposing Work Rules or an Agreement. This approach would impose an obligation and obstacle for employers to avoid the collective labor agreement, making them understand the importance of collective bargaining. This aligns with Professor Jovanović's criticism in one of his works, highlighting the drawbacks of such normative regulation, as it allows employers to do so. It is advisable to set a definite time limit for collective bargaining, as the current regulatory framework could lead to potential abuse and a delay in concluding the collective labor agreement.. This is because after the expiration of the 60-day limit, participants in the negotiation process are only obliged to conduct negotiations in accordance with the principle of "bona fides". Regarding collective bargaining and the actual conclusion of the collective labor agreement, priority should be given to employees (the current regulatory framework favors employers). Therefore, our proposal is to leave the legal possibility for collective agreements to be concluded both for a definite (with a deadline) and indefinite period, promoting the principles of "security", "certainty", and "efficiency" of labor rights and obligations, including the negotiation

process, which is very frequent according to the current regulatory framework. Due to frequent collective bargaining, the possibility of strikes and other forms of collective struggle and the protection of collective rights is highly probable. Therefore, proposed legal changes would be aimed at preserving social peace and economic stability for both employees and employers.

References

- Airhelp Ltd against Scandinavian Airlines System SAS (2021) (C 28/20) 16. 03.2021 t. 71 i 90), <https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX%3A62020CC0028&qid=1700039215818>
- Baccaro, L., & Simoni, M., (2010). Organizational determinants of wage moderation, *World Politics*, Cambridge University Press, 594–635.
- Bataveljić, D., (2019). Pruzanje usluga od strane sindikata kao organizacije zaposlenih radnika [Provision of services by labor unions as employee organizations], *Univerzitet u Kragujevcu*, 137–153.
<https://doi.ub.kg.ac.rs/2019/10-46793-xxiv-10-137b/>
- Blanpain, R., (2003). *European labour law*, The Hague, London, New York, Kluwer.
- Bodiroga, V. N., & Laleta, S., (2007). *Posebnost kolektivnog pregovaranja u europskome i hrvatskome pravu*, [Specifics of collective bargaining in European and Croatian law], *Zbornik Pravnog fakulteta Sveučilišta u Rijeci* 1/2007, 317–362.
- Bosch, G., (2015). "Shrinking collective bargaining coverage, in creasingin come in e quality: a comparison of five EU countries", *International Labour Review*, Vol. 154 No., 57–66;
- Buklijaš, B., & Bilić A., (2006). *Medjunarodno radno pravo*, [International labour law], Pravni fakultet Sveučilišta.
- Buklijaš, B., (2012) *Kolektivno radno pravo*, [Collective labor law], Pravni fakultet sveučilišta u Splitu.

- Brković, R., (2015). *Kolektivno pregovaranje u aktima međunarodne organizacije rada koji su inkorporirani u legislativu republike srbije*, [Collective bargaining in the acts of the international labour organization incorporated into the legislation of the Republic of Serbia], *Radno i socijalno pravo* 2/2015, 87-99.
- Bruun, N., & Ahlberg, K. (2005). Sweden: Transition through collective bargaining. In R. Blanpain, T. Blanke, & E. Rose (Eds.), *Collective bargaining and wages in comparative perspective: Germany, France, The Netherlands, Sweden and the United Kingdom*, (Bulletin of Comparative Labour relations; No. 56). Kluwer Law International, 117–144.
- Collective bargaining in Germany and Ukraine: lessons learned and recommendations for Ukraine, International Labour Organization (2021).
- Dau-Schmidt, G., K., (1993). Meeting the demands of workers into the twenty-first century: The Future of Labor and Employment Law, 68 IND. L. J, pp. 692–698;
- Dau-Schmidt G., K., & Brun L., C., (2004), Individual bargaining, collective bargaining and protective legislation: determining the terms and conditions of employment in the modern american employment relationship, 183–203.
- Heyter, S. (2011). Introduction, In: Heyter S. (ed), The role of collective bargaining, in the global economy – negotiating for social justice. Geneva: International Labour Office.
https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/article/wcms_173298.pdf
- Jovanović, P., (2010). *Otvorena pitanja u pravu i praksi kolektivnog pregovaranja i socijalnog dijaloga* [Open issues in the law and practice of collective bargaining and social dialogue], *Pravo i privreda* 7–9/2010, 422–438.
- Jovanović, P., (2004). *Nove tendencije u našem radnom pravu* [New Tendencies in Our Labor Law], *Zbornik Pravnog fakulteta u Novom Sadu* 2/2004, 329–346.

- Kaufman, B. (2004.) *The global evolution of industrial relations: events, ideas and the iira*, Geneva, International Labour Office.
- Kohl, H. (2009). *Freedom of association, employees' rights and social dialogue in central and eastern europe and the western Balkans*, Friedrich-Ebert-Stiftung, Division for International Dialogue Department of Central and Eastern Europe.
- Kosanović, R., & Paunović, S., (2010) *Kolektivno pregovaranje* [Collective bargaining], NIP "Radnička štampa".
- Kulić, Ž., & Vuković, J., (2017). *Sporazum o uređivanju zarade, naknade zarade i druga primanja zaposlenih*, [Agreement on the regulation of salaries, salary compensation, and other employee benefits, labor and social right], *Radno i socijalno* 1/2017, 211–219.
- Kulić, Ž., Milošević, G., & Baturan L., (2017). *Labour market and collective bargaining in the Republic of Serbia*, *Radno i socijalno pravo* 1/2017, 149–167.
<http://dx.doi.org/10.5937/zrpfni1878149K>
- Laroche, P., (2020). *Unions, collective bargaining and firm performance*, GLO Discussion Paper NO 728.
- Maree, J., (2009). *Trends in collective bargaining: why South Africa differs from global trends*.
https://www.ileradirectory.org/15thworldcongress/files/papers/Track_4/Wed_P4_MAREE.pdf
- Maree, J., (1991). *Worker participation, a case for co-determination*, Industrial Relations Project, Department of Sociology, University of Cape Town, 85–88.
- Malmberg, J., (2001) *The collective agreement as an instrument for regulation of wages and employment conditions*, Stockholm Institute for Scandinavian Law 1957-2009, 190–211.
- Müller, T., & Schulten T., (2019) *Germany: parallel universes of collective bargaining*, In book: Müller, T.; Vandaele, K. and

- Waddington, J. (eds.): *Collective Bargaining in Europe: towards an endgame*, Brussels, 239-265;
- Narodna skupština Republike Srbije, [Narodna skupština] (2018) *Zakon o radu Republike Srbije* [Labor law of the Republic of Serbia] ("Sl Glasnik, RS ", br,24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 – odluka US, 113/2017 i 95/2018 – Autentično tumačenje);
- Narodna skupština FNRJ Jugoslavije [Narodna skupština], *Konvencija 98 Mor-a* [Convention 98 of the ILO] (Službeni list FNRJ, br.11/58)
- Ravnić, A., (2004). *Osnove radnog prava: domaćeg, usporednog i međunarodnog* [The fundamentals of labor law: domestic, comparative, and international], Pravni fakultet u Zagrebu.
- Schulten, T., & Bispinck, R., (2018). *Multi-employer bargaining under pressure – decentralization trends in five european countries*, *Varieties of decentralization in German collective bargaining*; 105-150.
- Simonović, D., & Bogićević, Č., (1996). *Učešće u odlučivanju radnika (participacija) kao oblik socijalne integracije rada i industrijske demokratije*, [Worker participation in decision-making as a form of social integration of labor and industrial democracy], *Pravo i privreda* 9/10/1996, 14–20.
- Učur, Đ. M., & Smokvina, V., (2010). *Industrijske akcije kao sindikalna prava i slobode* [Industrial actions as trade union rights and freedoms], *Zbornik Pravnog fakulteta Rijeka* (1991) v. 31, br. 2, 671–701.
- Urdarević, B., (2021) *Prošireno dejstvo kolektivnog ugovora kao način unapređenja kolektivnog pregovaranja* [Extended effect of the collective agreement as a means of improving collective bargaining], *Strani pravni život* br.2/2021, Beograd, 281–292.
- Veg, E., (1993). *Kolektivni ugovori*, [Collective agreements], *Pravo i privreda* br. 3-6/1993, Beograd, 272–288.

Istorijski razvoj kolektivnog pregovaranja

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Sažetak

Kolektivno pregovaranje kao "pravni most" iliti pravni instrument u rukama stranaka učesnica, svoju istorijsku determinantu vuče iz XIX vijeka. Značaj kolektivnog pregovaranja nije nista manji od značaja kolektivnog ugovora. Istorijska klima za razgovor i pregovaranje stranaka učesnica u radnom odnosu, mijenjala se. To se prevashodno odnosilo na to da naša zemlja je prošla kroz balkanske a kasnije i dva svejska rata, koja su ostavili zaostavštinu i na same radne odnose a kasnije i na sve vezano za taj pravni isntitut. Kako se istorijski mijenjao i savremenizovao radni odnos, i samom transformacijom radnih odnosa krajem XX vijeka, kolektivno pregovaranje dobija jedno novo ruho i značaj i predstavlja izmedju ostalog "dobru kulturu" izmedju radnika sa jedne i poslodavaca sa druge strane. Autori u radu žele na naglase značaj istorijskog razvoja kolektivnog pregovaranja, koji izmedju ostalog osoben za svaku zemlju ponaosob, pa samim tim i njihov kulturološki značaj na radne odnose nesmunjivo je uticao da se današnjem kolektivnom pregovaranju "prilazi" veoma sistematično i odgovorno. U nastavku rada posebno će se obratiti pažnja na trenutno normativno stanje na polju kolektivnog pregovaranja i neke njegove osobenosti.

Ključne reči: zaposleni, poslodavac, kolektivno pregovaranje, kolektivni ugovor, socijalni dijalog

Ergodic Video Games as Agonist of Masochism in Gamers

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Article Information•

Review Article • UDC: 794.088.2:004.42

Volume: 21, Issue: 1, pages: 63-81

Received: February 14, 2024 • Accepted: March 20, 2024

<https://doi.org/10.51738/Kpolisa2024.21.1r.63f>

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We have no known conflict of interest to disclose.

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• Cite (APA): Filipović, A. (2024). Ergodic Video Games as Agonist of Masochism in Gamers, *Kultura polisa*, 21(1), 63-81, <https://doi.org/10.51738/Kpolisa2024.21.1r.63f>



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Abstract

Throughout their history, even though their purpose and function have essentially remained unchanged, video games have repeatedly changed their essence, from pioneering technical endeavors, through arcade machines, to thoroughly complex modern video games. At a certain stage of their development, video games were very difficult to complete, with one of the main reasons being that for many years games were primarily played on coin-operated arcade machines, so it was in developers' interest for the games to be challenging. However, there is a crucial difference between difficult video games and video games that we call ergodic video games. The essential difference is that ergodic video games (or video games with ergodic elements) require players to adopt a non-trivial approach, i.e., additional effort, skill, and dedication, and since ergodicity drastically changes the difficulty level of the game, it also requires certain character traits from players, in terms of readiness to respond to frustration with persistence rather than giving up, which often borders on a specific type of masochism. Therefore, ergodic video games are colloquially called *masocore* games, which is a portmanteau of the words "masochism" and "hardcore". This paper aims to explore the causality between ergodic video games and the existence of masochistic character traits in players who play them, as well as how such games, by combining pain and frustration on one side with pleasure and a sense of accomplishment on the other side, provide a gaming experience that is almost impossible to experience by playing classic, non-ergodic video games.

Keywords: video game, ergodicity, masochism, satisfaction, pain, sense of accomplishment

Ergodic Video Games as Agonist of Masochism in Gamers

Introduction

In one of our earlier works (Filipović, 2022), we described the video game as a phenomenon of the present time that has seamlessly elevated itself to a shining pedestal of elevated consciousness where there is no evil, no pain, no suffering, no fear, no punishment, defining it as a phenomenon representing a rare oasis of negentropy and full freedom, a place where the player can do anything, and a place where the player experiences, in life, rarely accessible fulfillment of agonistic instinct and indescribable pleasure of playing.

However, is it always so, and were we, by taking such a stance, entirely correct? Did we, by ignoring the dialectic of "excess freedom," truly understand and comprehend the player's freedom in the video game and the magical ability of the video game entity to, in some way, occasionally and temporarily, but above all selfishly, "outsmart" the player and diabolically subdue them to itself and its goals, often inconsistent with the player's expected goals? Did we truly grasp the unpredictability of the video game entity as one of its crucial qualities? It seems that game creators have recently noticed the undiscovered dialectics of the video game entity, which necessarily does not always want to abide by the rules of the game and can occasionally refuse to be subordinated to the player and unconditionally be object-oriented towards them. There is a certain discrepancy between the ontological content of the freedom of choice delegated to the player in gameplay and the freedom of choice that the increasingly playful video game entity "wants" in order to enable the player new horizons of gaming and winning pleasure. It has been observed that as soon as the player realizes their sovereignty in freedom of choice (Costikyan, 2013) and begins to use it uncontrollably, games immediately appear whose *raison d'être* is precisely the suppression of freedom and gaming pleasure, or at least what is commonly considered freedom and gaming pleasure in video games. Game theory considers this to be a positive sign of

maturity of the game's noumenon and its upcoming genre, "because the game in this way transcends clichés and gains new meanings and possibilities" (Costikyan, 2013).

An increasingly common argument used to explain the emergence and popularity of ergodic video games suggests that game narratives have remained too long in worlds that have become insufficient for a significant number of players to achieve the expected satisfaction, or have even become boring. Thousands of otherwise excellent video games resembled each other, with plots reminiscent of Simon Templar novels, James Bond movies, romantic comic strips like Corto Maltese or Modesty Blaise, and, of course, classic westerns where the "white hat" always triumphs after more or less turmoil and brings expected justice. New needs from this medium emerged, but that was obvious only after the success of games that were different in that essential way, which is approach to playing a video game. These games can and often have multiplayer component, with the accompanying online security issues, which are a result of change in moral norms that changed with the expansion of the ICT and the internet and pose a significant threat (see more: Bjelajac & Jovanović, 2012; Bjelajac & Zirojević, 2013; Bjelajac & Filipović, 2020). However, the interaction between the players in these games, whether cooperative or competitive, mostly exhaust itself in just playing the game, since the difficulty level and the required approach leave little to no space for behavior we otherwise define as an online security issue.

This paper aims to explore the relationship between video games with ergodic elements and the masochistic character traits of players who prefer this type of gaming experience, by first examining the elements that make video games ergodic, then exploring the causality between a non-trivial approach to playing video games and certain character traits of players that can be categorized as masochistic. Finally, we will outline the elements that make video games ergodic, as well as the elements of masochistic enjoyment in playing such video games, whose popularity is currently likely higher than ever with the success of the game Elden Ring, which introduced a wide audience to this genre of games thanks to the involvement of writer G.R.R. Martin, author of the

A Song of Ice and Fire book series, upon which one of the most popular TV series of this century, Game of Thrones, was based.

Video games, esoterism, and ergodicity

The video game, sharing its ontological essence with games in general, as its precursor, has long been defined as a simple pursuit of gaming pleasure and victory by striving to minimize all discomforts and especially avoiding difficulties, as depicted in traditional behavioral models in video games. Following years of predominantly linear progression, there has been a recent emergence of games in which game developers intentionally induce mental distress in players, engaging with their significantly deeper and more intricate emotions. The concept of masochism among video game players has slowly crept into the theory of video games. In the "old" video games, we had the game world as a space through which the protagonist moved effortlessly. The most important characteristic of such a video game space was the ease with which the avatar conquered it. The avatar could do whatever it pleased in the video game space because the environment offered no significant resistance, with some exceptions (see more: Lihačov, 1972; Filipović, 2022).

Clearly, something happened that made the usual gaming satisfaction insufficient for a significant number of players, prompting the noumenon of video games to seek new horizons in the dystopian segment of games we've written about several times before, describing the example of the movie Rollerball, which depicts the eponymous game. I believe the philosophical turn in the approach to video games occurred when game developers realized the allure of esotericism and the influence of occult aspects, symbolism, magic, mystical traditions, myths, and philosophical concepts in enhancing the player's experience, adding depth, mystery, and previously unknown emotional connection to the game world, thus affecting video game sales. Esoteric elements in ergodic games entered the world of video games through the esotericism of toys, which even in primitive times served as a communicator between the sacred world of the game and the profane

world, often being a personification of otherworldly beings (see Tyugashev, 2018). The esoteric elements of toys, most extensively studied in the case of the magic and mysticism of dolls, often allowed players to deeply immerse themselves in the game and create a unique experience that was often transcendental to the classical concept of gaming. Further evolution demanded players' advanced understanding of the esoteric aspects of the game. Players had to invest extra effort in exploring and interpreting the symbols and concepts of the game, leading to more challenging puzzles and painful, endlessly repeated episodes on the path to solving all the questions and reaching the end of the game. We got ergodic video games based on different freedom of choice, which often turns into unfreedom or even coercion, with the video game entity forcing the player to follow the path of painful masochistic pleasure and traumatic experience instead of the path of pleasure and easy victory. This aspect of games is referred to in literature as "ludic agency or ergodic agency, centered around the "ergodic object" which requires exceptional efforts from the player to be "read," with these efforts needing to be linked to the mechanical and structural properties of the object itself (Karth, 2014; Serada, 2022).

Ergodic video games and player masochism

Espen Aarseth wrote about the ergodic property of video games as early as 1997. According to Aarseth, games are cyber-texts that have their own, not always understandable, paradoxes. Players are free to choose a specific path in the game, but in doing so, they necessarily discard all other possible alternative parallel gaming realities during that "first playthrough" (see Aarseth, 1997). In real life, people are aware of the concept of parallel realities, but that aspect is ontologically locked for them. The similarity with real life exists only until the moment of making a choice, which is necessarily irreversible in real life. In ergodic video games, however, this is not the case, so players can return and embark on the path of another, if not countless, then at least several parallel realities. Undoubtedly, it presents a logical quandary whose resolution ultimately propelled the acceptance of ergodic games and

their integration into the gaming landscape. The paramount lesson gleaned from Aarseth's discourse is the recognition of the player's unique role as an active agent of change within the constructed meta-reality of video games, alongside their newfound capacity to craft avatars that serve as the storytellers of their own autonomously devised narratives (refer to Serada, 2022). However, the realm of game theory does not universally embrace the notion of the new video games' ergodic nature. Certain scholars, such as Stefano Gualeni and Daniel Vella (2020), contend that not all contemporary video games embody inherent ergodicity, often guiding players along predefined paths with a restricted spectrum of potential outcomes and interpretations. Nonetheless, what truly characterizes them as "modern electronic mediums" is their inherent potential for subversion—disrupting conventional paradigms, unmasking avatars, and offering players the freedom of existential choice, a freedom manifest both through the game's narrative arc and its mechanics (as articulated by Gualeni and Vella, 2020).

However, Alesha Serada underscores that "Aarseth based his conclusions on the long-extinct genre of MUD (multi-user dungeon) video games, as well as on the divinatory practices of the Chinese Book of Changes, which actually functions as an oracle rather than a coherent storyteller" (Serada, 2022). At the time Aarseth formulated his perspective on the ergodicity of video games, the notion of today's masochistic games remained beyond the imagination of even the most radical game developers. Nearly three decades later, Aarseth's findings gain sudden relevance as they pose a compelling research inquiry: where lies the threshold at which media violence forfeits its conventional significance? Evidently, this threshold is contingent upon the attitudes of players or involved communities (see Westerlaken, 2017). The critical ethical stance asserts that individuals, as beings capable of empathy, cannot entirely overlook the portrayal of violence in video games, particularly when such depiction becomes an end in itself. Consequently, in the discerning eyes of the most meticulous critical researchers, the game reflects a specific mode of reality perception, rather than merely representing a stance that may seem harsh to some (see more: Anderton, 2016). Additionally, James Newman (2002) has argued

against the notion that video games are inherently ergodic, asserting that "video games can contain interactive or ergodic elements, and it is wrong to consider them solely as one type of experience and engagement." While this assertion is entirely accurate, given that video games represent highly complex, structured, and, as Newman further elaborates in the same text, highly segmented experiences, we derive the liberty to term games with dominant ergodic elements as ergodic video games. It is understood, however, that no single video game, when viewed as a whole, is entirely ergodic, nor can any defining attribute comprehensively encapsulate any video game in its entirety.

Ergodic video games stand as a distinct category wherein players are required to invest effort or engage actively to progress and derive enjoyment from the gameplay. This concept originates from ergodic theory, which explores how systems evolve through various states over time. In the realm of video games, ergodicity is characterized by the imperative for players to exert considerable effort or interaction to access specific segments of the game or to encounter particular aspects of its narrative. This could entail surmounting challenges, exploring the expansive game world, or making decisions that shape the game's trajectory. Within ergodic games, players often wield significant influence over the game's outcome or their overall experience, rendering them captivating and unlike traditional linear gaming experiences. The player's active involvement and commitment contribute significantly to the richness of the gameplay, yielding distinctive narratives and encounters tailored to each player. Ergodic video games frequently demand additional effort, skill, and dedication from players to overcome the game's challenges. Such gameplay dynamics may offer a unique experience, which some players may find too challenging and occasionally frustrating.

Due to increasingly advanced technological capabilities of photorealistic simulation of fictional worlds, ergodic video games are becoming capable of extreme cruelty and violence towards reality. The other type of violence to which players of ergodic (but not only them) games are exposed is described as an abrupt and possibly alarming disruption of the player's sensory encounter, which forces them, as well

as theorists of the ontological being of video games, to rethink the concept of the "player's body" in a way different from the classical approach. This is not always voluntarily surrendered to the video game and the dilemma of whether that body matches or mismatches the player's actual physical body.

In older video games, the player's physical engagement during gameplay is more or less negligible. There are just the hands holding the controller, the senses of sight and hearing, the brain – and that's it. However, in ergodic masochistic video games, the player's body has a significantly more active role and is often subjected to the effects of physical violence. Painful controller vibrations (Stewart, 2022), chair shaking, flashes of blinding light, and disturbing sounds emanating from nowhere or all around, make the player's physical body an active agent of the game. This is another assault by the video game entity on the player's persona, an assault that, in addition to the psychological pain endured by the player's psyche, also causes physical pain that the player accepts and ultimately finds masochistic pleasure in playing. This represents an unprecedented and fundamentally unauthorized incursion of the video game entity beyond the monitor into the player's real world and physical interaction with it. It's as if Alice or Pinocchio walked into the player's real-world from the video game. The terrifying aspect (Serada, 2022) of ergodic games is their resistance to rational control and the potentially traumatic experience that can permanently change the way the player sees themselves and the world.

Discussion

One of the crucial questions in the theory of video games that we still don't have a complete answer to is: what constitutes the pleasure of playing video games? We still don't have an answer due to the notorious fact that the video game is still a phenomenon in the making, a being whose noumenon eludes any control and any somewhat coherent explanation and fitting into the narrow molds into which people habitually place entities they don't quite understand. Therefore, this discussion about ergodic games is a modest attempt to change the

mental filter of the current mass perception of video games from the prevailing one based on moral panic to an academically and scientifically grounded one that will reveal the true face and essence of video games as an otherworldly ontological phenomenon, a brilliant form of entertainment, and a huge global business that has been saving faltering economies and overcoming economic recessions of wealthy countries for several years now, providing unimaginable aesthetic and mental pleasures to billions of people (Filipović, 2016).

Analyzing the moral panic surrounding the impact of video games on individuals and society as a whole, we easily come to the problem of addiction as the main criticism of educational, religious, and cultural authorities, governmental and non-governmental organizations, various family and parental associations, and their efforts to vilify video games and even shift blame onto video games for their own failures in educating and socializing younger generations (Filipović, 2016). This criticism readily raises another question, the answer to which suggests that the pleasure of playing video games is precisely the crucial source and reason for addiction. People who play video games are addicted to the pleasure provided by playing video games. However, like the video game itself, pleasure is not a once-and-for-all given and determined phenomenon. Pleasure changes, and the possibility of loss can be an integral, albeit often painful part of the gaming experience and pleasure (Juul, 2013). In the discussion by Proudfoot (2019) on narrative violence in video games and some aspects of cases where the pain caused by loss in the game makes sense and can lead to pleasure, it is proposed that theory specifically focus on those games that deliberately provoke players' difficult negative emotions such as shame and sadness, appealing to their ethical beliefs in the real world, thus breaking the magical circle of the video game being. It is considered that by entering into the ergodic, as well as any other game, the player enters into a contract with this magical meta-being, voluntarily exposing and accepting, a priori, all negative consequences, including painful emotions about which the player knows almost nothing "pre-first passage." The discussion particularly emphasizes that these emotions are an integral

part of every sadomasochistic game, regardless of the situation of victory or defeat (see more in Serada, 2022).

Masochism is a key entity in the perception of new ergodic video games, whereby this new perception is quite heretical and brings new, different aspects of the essence of video games. It is significantly different from the current perception offered by the main areas of video game studies, narratology and ludology, collectively known as game studies. The current perception of video games has largely failed to provide a coherent answer to the question of "what is the player's pleasure in playing video games?" Among other things, the current perception of video games is criticized for ignoring the state of insufficient understanding of the problem of computer "entertainment" from the standpoint of practical application in the field of gamification, where instead of the player who plays and has a certain emotional and mental relationship to the game, the position of the phenomenon being investigated is taken by the video game itself, separated from the player and the gaming community, often with an implicitly present negative social perception that sometimes exhibits its hysterical protrusions in the current moral panic. The change brought about by ergodic games is, at times, dramatic. The *raison d'être* of modern video games has been and still is to provide the greatest and most voluptuous pleasure of playing and the great, implicit, almost sacred inviolability of player comfort. Conversely, every ergodic masochistic video game strives to make the player feel frustrated, uncomfortable, painful, scared, and at times miserable and dreadful while playing.

The dialectical opposition in contemplating this topic lies in the fact that despite the pain, players persistently continue to play and, again despite the pain, experience the pleasure of gaming which is no less than the usual pleasure and enjoyment of playing "old" games. Hence the cliché "perversion of masochism" (Cowan, 1982), which is the main driving force behind the pleasure provided by ergodic games. It is evident that perversions, distortions, deviations, anomalies evoke extreme excitement in players. To be ordinary and normal means to be like everyone else; to be perverted means to be different, to be unique, to be more desirable and better. Perversion as an anomaly creates

individuality and uniqueness. The particular manifestation of masochism in any individual is the same individual characteristic as his taste in food, clothing style, and music. Pain and pleasure go hand in hand beyond all logic, rationality, and prudence, i.e., beyond everything we consider mentally healthy (Cowan, 1982). This combination of pain and pleasure creates an unbearable contradiction, and every masochistic experience becomes unique and exceptional, just like any other pleasure.

Video games with elements of ergodicity and masochism, Sikart calls "ethically interesting games". From his point of view, these are games with rules that confront the player with mandatory ethical choices (Sicart, 2009, p. 37). But what if the player wants to play against the rules, disagreeing with any of the choices offered by the game? Should a game be offered to meet such demands? Obviously, yes. In a book dedicated to the issues of ontological violence in video games, Liam Mitchell (2018) takes exactly this stance: the mere existence of moral and ethical choice is uninteresting because that choice is usually banal and clearly predetermined by the game system. What truly makes the game interesting is the problematization of how the player makes choices (Mitchell, 2018) or, if the player suddenly realizes, no matter how hard he tries, that he actually has no choice. In the most ethically intriguing games, the player cannot choose an alternative outcome or try to play better to avoid an emotionally difficult situation, which can cause real psychological suffering even for those who usually derive sincere - and entirely permissible - pleasure.

Conclusions

It should be emphasized that video games at the beginning of their development were challenging, but not necessarily as a creative expression of their creators, but as the only additional monetization mechanism they had available. A difficult game simply meant more coins in the arcade machine, which represented higher revenue for the stakeholders at that time. Some of these games, like the video game *Rogue*, inspired genres that are still relevant today, and some of the ergodic video games in their genre description have words like

"roguelike". On the other hand, the games we are discussing in this paper, besides being difficult, also have an exceptional capacity for immersion, which, along with a much more elaborate narrative, gameplay, and game objectives, brings a completely different experience, which, as we have shown in the previous text, directly correlates with a specific kind of masochistic enjoyment. It is also important to emphasize that when we talk about modern video games with ergodic elements, we are not talking about some fringe phenomenon, but about games that have a direct influence on other video games. Thus, from the Dark Souls series, an entire genre called "Souls-like" has emerged in the industry, and certain developmental solutions from those games are used in AAA games, games with the largest budgets aimed at the widest audience. For example, the game Star Wars Jedi: Fallen Order by Respawn Entertainment and EA Games, as well as its direct sequel, Star Wars Jedi: Survivor, borrow some elements and concepts from Souls games, but since it is a AAA game, it is possible to choose the difficulty level, so ergodicity practically does not exist unless you choose higher difficulty levels. However, the influence and inspiration of video games with ergodic elements are evident at all levels of video game development. With the record-breaking success of the video game Elden Ring, we can expect further development and branching out of video games with ergodic elements, probably even into genres where we haven't encountered those elements before.

References

- Aarseth, E. (1997). *Cybertext: Perspectives on Ergodic Literature*. Johns Hopkins University Press.
- Anderton, J. (2016). Cyberbeasts: Substitution and Trivialization of the Non/Human Animal in Home Movies, Memes, and Video Games. In: *Screening the Nonhuman: Representations of Animal Others in the Media*. Lexington Books.

- Bjelajac, Ž. & Jovanović, M. (2013). Pojedini aspekti bezbedonosne kulture na Internetu [Some Aspects of Security Culture on the Internet]. *Kultura polisa*, 10(21), 99–114
- Bjelajac, Ž., & Zirojević, M. (2014). Bezbednosna kultura u eri globalizacije [Security Culture in Era of Globalization]. *Kultura polisa*, 11(23), 77–99.
- Bjelajac, Ž. & Filipović, A. M. (2020). Internet Addiction Disorder (IAD) as Paradigm of Lack of Security Culture. *Kultura polisa*, 17(43), 239–258. Retrieved from <http://kpolisa.com/index.php/kp/article/view/244>
- Costikyan, G. (2013). *Uncertainty in Games*. The MIT Press.
- Cowan, L. (1982). *Masochism: A Jungian View*. Spring Publications.
- Filipović, A. (2016). *Paradigma kulturološkog pozicioniranja video igre* [The paradigm of position of video games in the system of culture], Doctoral dissertation, Faculty of Dramatic Arts, University of Arts, Belgrade.
- Filipović, A. (2022). *Bića i svetovi video igre: Teorijska i kulturološka paradigma* [Beings and worlds of video games: Theoretical and cultural paradigm]. Pravni fakultet za privredu i pravosuđe.
- Gualeni, S., and Vella, D. (2020). *Virtual Existentialism: Meaning and Subjectivity in Virtual Worlds*. Palgrave Macmillan.
- Juul, J. (2013). *The Art of Failure: An Essay on the Pain of Playing Video Games*. The MIT Press.
- Karth, I. (2014). Ergodic Agency: How Play Manifests Understanding. In *Engaging with Videogames*. Brill.
https://doi.org/10.1163/9781848882959_020
- Lihačov, D. S. (1972). *Poetika stare ruske književnosti* [Poetics of the Old Russian Literature]. SKZ. u Filipović, A. (2022). *Bića i svetovi video igre: Teorijska i kulturološka paradigma* [Beings and worlds of video games: Theoretical and cultural paradigm]. Pravni fakultet za privredu i pravosuđe.

- Mitchell, L. (2018). *Ludopolitics: Videogames against control*. Zero Books.
- Newman, J. (2002). The Myth of Ergodic Video Game. *Game Studies*, 2(1), <https://www.gamestudies.org/0102/newman/>
- Proudfoot, S. (2019) Look at What You've Done: Exploring Narrative Displeasure in Video Games. *The Popular Culture Studies Journal*, 7(2), 158–178.
- Serada, A. (2022). Playing Against Players: Dangerous Boundaries of the "Magic Circle", *Topos*, (1), 7 – 26.
<https://doi.org/10.24412/1815-0047-2022-1-7-26>
- Sicart, M. (2009). *The ethics of computer games*. The MIT Press.
- Stewart, D. (2022). When Representations Become Acts: Gamepad Vibration as Physical Violence, *Topos*, (1), 148-162,
<https://doi.org/10.24412/1815-0047-2022-1-148-162>
- Westerlaken, M. (2017). *Self-Fashioning in Action: Zelda's Breath of the Wild Vegan Run*. Proceedings of Philosophy of Computer Games Conference, Kraków.
- Tyugashev, E.A. (2018). The Kant' Doctrine on Rational Beings and Esotericism of Toy, in *Game and Toy: Compendium of Scientific Papers*, Voronov, V.M, Kotkin, K. Y. (eds), Murmansk Arctic State University, 66-70.

Appendix

Figure 1. Elements of Masochistic Enjoyment in Video Games



(Author's Research, 2024)

Figure 2. Some elements of ergodic video games

Some Elements of Ergodic Video Games



(Author's research, 2024)

Table 1. List of video games considered ergodic

Game Title	Developer/ Publisher	Genre	Year
Demon's Souls	FromSoftware/ Sony Computer Entertainment	Action RPG	2009
Dark Souls Trilogy	FromSoftware/ Bandai Namco	Action RPG	2011, 2014, 2016
Sekiro: Shadows Die Twice	FromSoftware/ Activision	Action-adventure	2019
Elden Ring	FromSoftware/ Bandai Namco	Action RPG	2022
Hades	Supergiant Games	Roguelike	2020
Cuphead	Studio MDHR	Side-scrolling run and gun	2017
Returnal	Housemarque/Sony Computer Entertainment	Roguelike TPS	2021
Bloodborne	FromSoftware/Sony Computer Entertainment	Action RPG	2015
Hollow Knight	Team Cherry	Metroidvania	2017
Celeste	Maddy Makes Games	Platformer	2018
Super Meat Boy	Team Meat	Platformer	2010
Hotline Miami	Dennaton Games/ Devolver Digital	Top-down shooter	2012
Lies of P	Neowiz Games	Action RPG	2023

(Author's research, 2024)

Ergodičke video igre kao agonist mazohizma igrača

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Sažetak

Kroz svoju istoriju, iako im je namena i funkcija suštinski bivala nepromenjena, video igre su ostatak svoje prirode nekoliko puta menjale, od pionirskih tehničkih poduhvata, preko arkadnih aparata, sve do u svakom smislu kompleksnih modernih video igara. Video igre su u određenoj fazi svog razvoja bile jako teške za kompletirati, čemu je jedan od glavnih razloga to što su se dugi niz godina igre primarno igrale na arkadnim aparatima koji funkcionišu na novčiće, te je developerima bilo u interesu da igre budu što teže. Ipak, postoji krucijalna razlika između video igara koje su teške i video igara koje nazivamo ergodičkim video igrama. Suštinska razlika je u tome što ergodičke video igre (ili video igre sa ergodičkim elementima) od igrača zahtevaju netrivialni pristup, odnosno dodatni napor, veštinu i posvećenost, a kako ergodičnost drastično menja nivo težine igre, ona zahteva i određene karakterne crte igrača, u smislu spremnosti da na frustraciju reaguju upornošću umesto odustajanja, koja se često graniči sa specifičnom vrstom mazohizma. Stoga se ergodičke video igre kolokvijalno nazivaju masocore igrama, što je portmanteau od reči „mazohizam“ i „hardcore“. Cilj ovog rada je da istraži kauzalitet između ergodičkih video igara i postojanja mazohističkih karakternih crta kod igrača koji ih igraju, kao i na koji način takve igre, spojem bola i frustracije sa jedne strane i zadovoljstva i osećaja ostvarenosti kod igrača sa druge strane, pružaju igračko iskustvo koje gotovo da nije moguće iskusiti igranjem klasičnih, neergodičkih video igara.

Ključne reči: video igra, ergodičnost, mazohizam, zadovoljstvo, bol, osećaj dostignuća

The (Mis)Use of Ideal Masculinity in Armed Conflicts

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Article Information•

Research Article • UDC: 305-055.1:35.4

Volume: 21, Issue: 1, pages: 82-100

Received: January 16, 2024 • Accepted: February 19, 2024

<https://doi.org/10.51738/Kpolisa2024.21.1r.82t>

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We have no known conflict of interest to disclose.

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• Cite (APA): Todorović, M. (2024). The (Mis)Use of Ideal Masculinity in Armed Conflicts. *Kultura polisa*, 21(1), 82-100, <https://doi.org/10.51738/Kpolisa2024.21.1r.82t>



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Abstract

This paper explores the concept of ideal masculinity in the context of armed conflicts and analyses its relationship with actual forms of masculinity. The paper aims to present the content of the socio-culturally shaped ideal of masculinity during wartime and explain how such an ideal impacts the lives of men affected by armed conflicts. Through a review of relevant literature from feminist theories of international security and masculinity studies, the paper highlights the discrepancy between ideals and reality, drawing attention to the negative consequences stemming from that gap. Namely, unable to meet the demands of ideal masculinity, men face frustration and pressure to become more violent than they would be, in order to conform to societal expectations. In conclusion, the paper emphasises the need for further research into this domain and the deconstruction of militarised masculinity with an ultimate aim to establish more inclusive perceptions of masculinity so that the majority of men can benefit from such a perception change.

Keywords: ideal masculinity, militarised masculinity, hegemonic masculinity, armed conflicts, feminism, gender studies

The (Mis)Use of Ideal Masculinity in Armed Conflicts

Introduction

Traditional theories of international security, such as realism and liberalism, have overlooked the gender aspect of security, focusing on the security of political entities, primarily states and international organisations. Feminists have criticised this approach, warning that it perpetuates the *status quo* — the dominant position of men and the male value system in global politics. They believe that such a value system, based on relations of competition and domination, constitutes a fundamental source of tension and global insecurity (Elshtain, 1987; Enloe, 1990; Tickner, 1992). Traditional theories obscure the specific position of women — a position in which they have little influence over global affairs but must live with their consequences (Tickner, 1992). As a solution, feminists propose the deconstruction of gender roles and a shift in focus from depersonalised relations between states to the personal experiences of women, especially those affected by war-related devastations. This school of thought is part of a broader process of increasing the global visibility of women's positions and can be assumed to have had a positive impact on the development of a series of international documents aimed at improving the status of women, such as the 1993 Declaration on the Elimination of Violence Against Women, the 1995 Beijing Declaration and Platform for Action, and the 2000 United Nations Security Council Resolution 1325 — Women, Peace, and Security.

However, the deconstruction of gender roles requires a consideration of men's personal experiences as well. Their experience of armed conflicts is closely tied to perceptions of ideal masculinity that dictate how a *proper* man should behave. Academic literature has not adequately addressed the male experience of war. Topics such as sexual violence against men in war or post-traumatic stress disorder (PTSD) in war veterans are not prominent in mainstream literature. While one of the fundamental principles of feminism is that the patriarchal system

constrains both women and men, gender security studies have not extensively discussed the security of men as a gender group.

With this paper, I aim to shed light on one aspect of men's security in war. The analysis provided illuminates the relationship between, on the one hand, social norms regarding the behaviour of the *ideal* man in war and, on the other hand, the wartime experiences of actual men. Therefore, the paper addresses two crucial questions. First, *how does society envision the ideal man in war?* Second, *how do real men experience war?*

The paper's main thesis is that a significant gap between the ideal and reality exists, which leads to insatiable frustration for men affected by the ravages of war. Throughout history, social norms have set a high standard for ideal masculinity, where a man is expected to be both an ideal citizen and an ideal warrior simultaneously (Nye, 2007). The inability to attain the ideal of a perfect warrior is perceived as a weakness in a patriarchal society. Consequently, men become victims of both war and the stringent social norms imposed upon them. By imposing the model of ideal masculinity, society turns men into *cannon fodder*, leaving them with two options: striving to achieve the ideal of the *warrior-man* or experiencing frustration due to the impossibility of attaining that ideal.

Before proceeding with the analysis, it is important to note two clarifications regarding crucial concepts. Firstly, although discussions exist in the literature regarding the distinction between the concepts of *war* and *armed conflict* (Metz & Cuccia, 2011, p. 13), in this paper, these two terms will be used interchangeably and broadly, referring to organised violent conflicts between state or non-state actors to achieve political objectives. Secondly, the concept of ideal masculinity in this paper can be understood in the sense of the concept of *hegemonic masculinity* introduced by the author Raewyn Connell. Connell (2005) introduces this concept to describe the kind of masculinity that is most desirable in a given society and that contributes to maintaining male dominance within it. However, in this paper, the usage of the term *ideal masculinity* aims to make the disparity between this type of masculinity and the real experiences of men in war even more conspicuous.

For the purposes of this paper, a systematic literature review was conducted to analyse the difference between ideal masculinity and its real manifestations in the context of armed conflicts. The first step involved identifying relevant literature sources that address the gender aspect of international security. Care was taken to include both theoretical and empirical research in this field. The literature selected was primarily in English and spanned from the late 1980s to the present, predominantly from countries in the global North. This was done due to the larger volume and easier accessibility of Western literature. Still, the underlying methodological limitation should be acknowledged as such a literature choice might lack the direct perspective of the global South, where contemporary armed conflicts predominantly occur.

Additionally, it should be noted that the consulted literature falls broadly within the domain of social constructivism. This is a direct consequence of the fact that the collective interests of men and women in the international sphere remain beyond the scope of traditional theories of international security, such as realism and liberalism.

After collecting relevant literature, a content analysis was conducted, a process that involved identifying common themes, theories, and findings, as well as tracing their interconnections. During the analysis, argumentation was developed as the basis for a claim about a gap between ideal and real masculinities during wartime. A critical approach and the cross-utilisation of different sources allowed for highlighting relevant examples to better understand this complex phenomenon.

Theoretical Foundations

Gender, as a specific social category, became relevant for international security studies only with the emergence of social constructivism. Constructivism is based on the idea that reality is not objectively given but is created by communities through norms, values, and identity (Fierke, 2016, pp. 162-163). Constructivism has thus empowered many social groups to *create* a new reality from their perspective. By presenting social phenomena from previously

unrepresented perspectives, marginalised social groups gained the opportunity to influence values, norms, and identities and take a step towards a more desirable reality for them.

Among the schools that have evolved from social constructivism, gender and related feminist theories are the most significant. Cynthia Enloe (2007) distinguishes between gender and feminist analysis by noting that the former examines how masculine and feminine gender roles are formed and what they entail, while the latter explores power relations built on such shaped gender identities (p. 100). From this, it can be concluded that gender theory is the foundational basis, with feminist theory aspiring to greater societal engagement. However, both gender and feminist approaches have been met with indifference by the established field of international security studies. Realists and liberals have preferred to ignore feminist criticism rather than engage in discussion with it. The discipline of international relations has thus been declared "one of the most gender-blind, indeed crudely patriarchal, of all the institutionalised forms of contemporary social and political analysis" (Walker, 1992, p. 179).

Indeed, feminism criticised traditional schools of international security for the absence of representation of the female experience. Feminists argued that the entire discipline of international relations was developed by exclusively considering male experience. From the outset, the central themes of the discipline focused on areas of society where women were traditionally suppressed – politics, the military, diplomacy, and statesmanship. Liberals and realists completely disregarded the personal experiences of women who, devoid of any political and military positions, did not influence the security challenges but whose consequences they directly felt.

As a result, feminists believed in the reconstruction of the discipline of international relations with an aim for the study to include the personal experiences of women. "The personal is international; the international is personal", proclaimed Enloe in her seminal work "Bananas, Beaches, and Bases: Making Feminist Sense of International Politics" (2014, p. 343), abolishing the artificial divide between the public and private spheres of international affairs. Enloe embraced

constructivist logic and demonstrated how global politics and individuals' personal experiences mutually constitute each other. Therefore, feminism sought to influence a change in reality through a paradigm shift; thinking less state-centrally about international security and more in the context of the security of the most vulnerable populations would be a step towards creating a safer world. Since then, numerous monographs and papers have been written to illuminate the position of women in the international security system, particularly women affected by the ravages of war.¹ The results of feminist efforts are evident in the increasing number of international and national² documents aiming to improve the security of women and girls.

On the other hand, feminism, despite being based on the argument that the patriarchal system constrains both women and men, has not sufficiently addressed the personal experiences of men affected by armed conflicts. While feminists demonstrate that traditional schools have been constructed from a male perspective since their inception (Jones, 1996), it is important not to overlook that they did not necessarily give voice to the entire male gender. They often focused on the experiences of a small privileged subset of men, such as statesmen and military leaders, who had the power to impose their values from the top down.

Striving to avoid the trap of generalising all men, certain feminist currents have delved into a more nuanced examination of masculinity, challenging stereotypes about men as a gender. This new branch of research can be labelled as masculinity studies or men's studies, with

¹ In 1995, Jean Bethke Elshtain published the monograph *Women and War*, where she analysed the female experiences of war. Subsequently, research on the same topic emerged, but focusing on specific armed conflicts. Included in this research are monographs such as *War, Women, and Power: From Violence to Mobilization in Rwanda and Bosnia and Herzegovina* by Marie E. Berry (2018) and *What Kind of Liberation? Women and the Occupation of Iraq* by Nadjie Al-Ali and Nicola Pratt (2009).

² In the case of Serbia, the most important national documents addressing the gender dimension of human rights and women's security include the Law on Gender Equality, the Gender Equality Strategy for the period 2021-2030, and the Strategy for the Prevention and Suppression of Gender-Based Violence and Violence in the Family for the period 2021-2025.

some of the most significant contributors being Raewyn Connell, Michael Kimmel, and Eric Anderson. However, it is crucial to distinguish between masculinity studies and the so-called men's rights movements that emerged in the West in the 1970s. Men's rights movements arose as a political response to new social movements, such as feminism or the queer movement, seeking to maintain the dominant position of men. As such, men's rights movements leaned on sociobiological theories and sought singular, essential male qualities. On the other hand, masculinity studies have a completely different starting point. Grounded in the acceptance of gender as a socially constructed category, masculinity studies aim to portray different forms of masculinity and make the concept of masculinity as inclusive as possible for anyone assigned male at birth or identifying as a man (see more in: Yaeger, 2019).

This article could be classified within the framework of masculinity studies as its goal is to uncover the tension between ideal and more common forms of masculinity, shedding light on how this discrepancy produces frustrations for men in armed conflicts. However, as it is not possible to precisely delineate where feminism ends, and masculinity studies begin, it is clear that this article heavily relies on feminist findings. Moreover, it is written in the spirit of feminist conviction that a safer world is achieved by shifting the focus from depersonalised state relations to the study of the private sphere.

Idealised Masculinity in Wartime

The relationship between masculinity and militarism is not biological but socially constructed. Feminist literature has clearly pointed out that the association of men with aggression and women with peacefulness stems from historical circumstances and is not genetically based (see: Tickner, 1992; Goldstein, 2001). In reality, there are many women who are more prone to aggression than men, and vice versa. However, over time, society has imposed a gendered division of labour. The role of the protector of the family, and in a broader sense, society and the state, has been assigned to men. This is partially biologically based because women have limited ability for physical combat during

pregnancy, while after childbirth, they are also bound to newborns who cannot survive without their presence. Additionally, the fact that men are, on average, physically stronger than women has contributed to the perception of men as protectors and the construction of gender roles based on that (Ferguson, 2021).

Blanchard (2014) emphasises that ideal masculinity in peacetime can have various variations. Some of the models include the rational economic man, the breadwinner, the financial risk-taker, etc. (p. 63). However, during wartime, all men are expected to become warrior-men. In this way, militarised masculinity takes on the role of ideal masculinity. Recognising the significance of military power in safeguarding sovereignty and national interests, nation-states actively endorse the concept of the warrior-man. This encouragement aims to inspire more men to aspire to this ideal, fostering a readiness to actively engage in defending proclaimed national interests. Such construction of masculinity is crucial for maintaining violence in international relations (Eichler, 2014, p. 81).

Militarised masculinity imposes significant expectations on men. The envisioned warrior-man is not only physically strong but also demonstrates courage and determination in battle. He is patriotic and constantly aware of the imperative to protect his family and homeland. He is loyal to the nation and the army and is ready to assist his comrades. Mondini (2014) explores the development of narratives about World War I in Italy and highlights the most prevalent elements in texts written in honour of fallen war veterans. Dominant motifs include self-sacrifice, military brotherhood, the metaphor of the army as a family, and the glorification of leaving the comfort of a previous life. Young soldiers, recent high school graduates or university students, abandon their previous comfortable lives and only then, in the face of the harshness of the world, become real men (p. 307). Militarised masculinity prohibits cowardice, desertion, vulnerability, or other (broadly defined) weaknesses of the human spirit. On the other hand, the model of militarised masculinity pays little attention to the ethical aspects of the warrior-man's behaviour towards the opposing side. Although the idealised man is, in principle, expected to be just and

conscientious, these virtues are not peremptory outside his own community (Acheson, 2022, p. 29). Conversely, aggression, cruelty, and a desire for revenge against the opposing side are tolerated. Such militarised masculinity can be attributed to the conditions necessary for mass war crimes throughout history and today.

Militarised masculinity has proven to be a phenomenon highly resistant to time, persisting through a "gender-specific process of socialisation" (Bilinović, 2016, p. 321). It is transmitted transgenerationally through various mediums, with the educational system and popular culture playing crucial roles.

In primary and secondary education, history lessons serve as a powerful tool for instilling masculine values. Traditionally, the study of history has focused extensively on military and political history, domains largely shaped by men. As women were historically relegated to the private sphere, their historical experiences are often downgraded to mere supplementary boxes and footnotes in history textbooks. Despite societal changes in recent decades that have contributed to improving the status of women, Hucks (2021) argues that many boys in contemporary educational systems are still encouraged to be tough, strong, and devoid of emotions. On the other hand, girls are taught to be charming, gentle, emotional, and passive. The socialisation that students undergo in school prepares them for a world where the model of militarised masculinity is acceptable or even desirable.

Popular culture also abounds in the romanticisation of the ideal militarised masculinity. Through movies, television series, video games, and other media, heroes can be encountered who personify the unattainable ideal of the warrior man. Hollywood blockbusters feature protagonists portrayed by actors with hypermasculine appearances, such as Sylvester Stallone or Arnold Schwarzenegger. The focus is on the strength, courage, and determination of these heroes that enable them to survive apocalyptic situations. Simultaneously, these heroes wouldn't be as successful without the support and camaraderie of other similar men – their brothers in adversity (Sparks, 1996, pp. 356-357). The same holds true for video games. Blackburn and Scharrer (2019) demonstrate that both men and women who frequently engage in violent

video games are more likely to internalise a view of masculinity that involves aggression, competition, dominance, and the suppression of emotions.

Actual Masculinity in Wartime

At the reception of a mobilisation call, the majority of men are not happy to go to war and face a range of moral dilemmas and ethical conflicts. On the one hand, there is a desire to preserve their current way of life and stay with their families, while on the other hand, the organised state apparatus, supported by societal norms, insists that participation in war is a patriotic duty. While some men (such as professional soldiers, mercenaries, and volunteers) find various motives to go to war, there is a considerable number of men who try to find a formal reason to be exempt from war. Some also resort to desertion or corrupt officials to help them evade military service. For example, in the ongoing war in Ukraine, it is not uncommon for wealthier men to have the possibility to pay a monthly fee for non-participation in the war (BBC, 2023). Additionally, in just the first six months of the Russian aggression on Ukraine, 6,400 Ukrainian men were arrested for attempting to leave the country illegally (Chastand, 2022).

Certainly, even if they do not participate in armed combat, civilian men and deserters experience the traumatic consequences of war, often facing condemnation from the community. However, men who directly engage in war, bearing arms, are additionally exposed to profound traumas stemming from the specific way of life on the front lines. Witnessing pervasive suffering, these men form the belief that life has little or easily loses its value. Death becomes a routine occurrence. They develop emotional numbness towards it and gradually accept death as a new normalcy (Brewis, 2008). Also, before and during the duration of military actions, there is a noticeable general dehumanising view of the enemy forces. Men on the opposite side of the war trench are perceived as embodiments of evil. The act of killing the enemy becomes a sterile act and is seen as a means to achieve a higher purpose (Smith, 2016). This kind of dehumanisation of the enemy further deepens the emotional

numbness of the warriors, creating a significant emotional detachment from the tragic consequences of their actions.

Traumatic experiences during war may linger in the lives of men long after the conclusion of armed conflicts. A significant number of war veterans lack the capacity to process the horrors they faced during the war, leading to long-term reactions to trauma and stress. Moreover, some of them suffer from very serious mental disorders such as Post-Traumatic Stress Disorder (PTSD). According to the U.S. National Center for PTSD, 7% of war veterans develop this disorder at some point in their lives, but the percentage varies depending on the specific wartime conflict in which the veterans participated. For instance, 29% of veterans from U.S. military interventions in Iraq and Afghanistan struggle with PTSD (U.S. Department of Veteran Affairs, n.d.). Unfortunately, military systems worldwide discourage soldiers from openly discussing the frightening war experiences and their mental health consequences (Blanchard, 2014, p. 68). As still strictly patriarchal organisations with a hypermasculine value system, military institutions rest on the belief that shedding light on all the negative aspects of war would contribute to tarnishing the reputation of the military and deconstructing carefully crafted myths about the ideal, strong warrior-man, who is not only physically but also mentally robust.

One of the most brutal deviations in soldiers' behaviour during the war is mass rapes, with women and girls being the most common victims. The international community, recognising this issue, has adopted documents addressing the protection of women's rights and the prevention of sexual violence during armed conflicts, but the results of these efforts are still inadequate. The reason for this lies in the normalisation of such acts among soldiers in wartime conditions. While rape may sometimes be an organised strategy, more often, it is a war practice that is not officially endorsed but is tolerated (Wood, 2018). Baz and Stern (Baaz & Stern, 2009) state that the crime of rape is normalised because it serves as a means to satisfy the frustration arising from the inability to achieve the ideal of the hypermasculine warrior-man. The average soldier during war grapples with feelings of inferiority because they cannot meet the demands of militarised masculinity. Most

men do not have impeccable physical appearances or fitness, while feelings of fear and discomfort set them apart from the fearless ideal warrior-man. To compensate for these shortcomings, frustrated soldiers resort to rape as a simple but monstrous way to feel powerful.

It is essential to emphasise that men are not exclusively perpetrators but often victims of sexual violence as well. Soldiers not only rape women but also other men, usually among the ranks of war prisoners or the civilian population. Schulz (2021) explains that sexual violence against men cannot be explained by sexual impulse or pleasure. On the contrary, the dominant motive for violence is the desire to completely humiliate the opponent. In these cases, the ingrained misogynistic logic comes to the fore, where the sexual perpetrator identifies with a powerful man, and the victim is feminised. The perpetrator believes that the opponent is utterly defeated because not only did he lose on the battlefield, but he also lost his masculinity (p. 43). Unlike female victims, who are encouraged to speak about their traumas after the conflict, resulting in numerous studies, men rarely choose to discuss the rape they experienced. The lack of willingness can be interpreted as a fear of stigmatisation because men might be criticised for physical weakness and an inability to defend themselves. Fear is also intertwined with the likelihood that victims in conservative societies could easily be labelled as homosexuals *who provoked the incidents themselves*. Additionally, in countries where homosexuality is punishable, victims face a real danger of persecution (2021, p. 40).

After the end of the war, soldiers must go through the process of reintegrating into civilian life. The social reintegration process is very demanding and multidimensional, and for the veterans themselves, it is long and painful. War conflicts leave behind economic and infrastructural destruction, significantly complicating the resolution of pressing issues for war veterans, such as finding employment or addressing housing problems. The situation is particularly complex for veterans who have suffered serious physical injuries and acquired disabilities during the war. In addition to the lack of adequate healthcare in a war-impooverished health system, disabled veterans also struggle with emotional and psychological issues, including a sense of helplessness, depression, and

anxiety due to the loss of physical independence and inevitable changes in the quality of life (Elnitsky, Fisher & Blevins, 2017).

Conclusion

This paper has analysed the deep gap between the constructed ideal of masculinity imposed by societal norms and the reality of the male experience of war. It has demonstrated how, in a patriarchal historical context, societal norms were created to set high standards for what it means to be a man. Expectations and pressure have been placed on men to show fearlessness, dominance, physical strength, and a readiness for risk in battle, regardless of the fact that only a negligible fraction of men hold the power to decide on war and peace.

Faced with the harsh realities of war, men realise that actual war is not an epic novel, film, or video game, and the majority begins to feel fear and the senselessness of war. The inability to reach the ideal of the warrior-man produces frustration, and attempts to overcome this frustration, or the search for a sense of virtuous masculinity, often result in uncontrolled aggression towards the weaker and mass war crimes. A significant number of men carry traumatic memories long after the conflict has ended, and for some, PTSD emerges as a serious mental condition.

All of this points to the need for significant efforts to deconstruct militarised masculinity. The existing findings from masculinity studies provide a good starting point, but deeper interdisciplinary qualitative research on the experiences of war veterans is necessary to understand the phenomenon from various perspectives. Additionally, theory must be accompanied by relevant practice. Feminist organisations need to find ways to more effectively reach men and demonstrate the relevance of their research in this context. Of course, these efforts would represent only the first steps in the complex process of building a safer society where the ideal of masculinity is separated from aggression and violence.

References

- Acheson, R. (2022). *Abolishing militarised masculinities*. Women's International League for Peace and Freedom.
https://www.wilpf.org/wp-content/uploads/2022/07/RL_10-Abolishing-militarised-masculinities-AW.pdf
- Ali-Ali, N., & Pratt, N. (2009). *What kind of liberation? Women and the occupation of Iraq*. University of California Press.
<https://doi.org/10.1525/9780520942172>
- Baaz, M. E., & Stern, M. (2009). Why do soldiers rape? Masculinity, violence, and sexuality in the armed forces in the Congo (DRC). *International Studies Quarterly*, 53(2), 495–518.
<http://www.jstor.org/stable/27735106>
- Berry, M. E. (2018). *War, women and power: From violence to mobilization in Rwanda and Bosnia-Herzegovina*. Cambridge University Press. <https://doi.org/10.1017/9781108236003>
- Bilinović, A. (2016). The social (de)construction of gender identity. *Kultura polisa*, 13(29), 309-324.
- Blanchard, E. M. (2014). Rethinking international security: masculinity in world politics. *The Brown Journal of World Affairs*, 21(1), 61-79. <http://www.jstor.org/stable/24591031>
- Blackburn, G., & Scharrer, E. (2019). Video game playing and beliefs about masculinity among male and female emerging adults. *Sex Roles: A Journal of Research*, 80(5-6), 310–324.
<https://doi.org/10.1007/s11199-018-0934-4>
- Clancy, L. & Austin, S. (2023, March 28). Fewer than a third of UN member states have ever had a woman leader. Pew Research Center.
<https://www.pewresearch.org/short-reads/2023/03/28/women-leaders-around-the-world/>
- Chastand, J. (2022, August 18). A crossing point at the Romanian border is the last resort for Ukrainians who do not want to fight. *Le Monde*.
<https://www.lemonde.fr/en/international/article/2022/08/18/a->

[crossing-point-along-the-romanian-border-is-the-last-resort-for-ukrainians-who-do-not-want-to-fight_5993923_4.html](https://doi.org/10.4324/9781003116479)

- Connell, R. W. (2005). *Masculinities* (2nd ed.). Polity. <https://doi.org/10.4324/9781003116479>
- Eichler, M. (2014). Militarized masculinities in international relations. *The Brown Journal of World Affairs*, 21(1), 81-93. <http://www.jstor.org/stable/24591032>
- Elnitsky C., Fisher, M., & Blevins, C. (2017). Military service member and veteran reintegration: A conceptual analysis, unified definition, and key domains. *Frontiers in Psychology*, 8, Article 369. <https://doi.org/10.3389/fpsyg.2017.00369>
- Elshtain, J. B. (1987). *Women at war*. Basic Books.
- Elshtain, J. B. (1995). *Women and war*. Chicago University Press.
- Enloe, C. (2014). *Bananas, beaches and bases: Making feminist sense of international politics* (2nd ed.). University of California Press.
- Enloe, C. (2007). Feminism. In M. Griffiths (Ed.), *International relations theory for the twenty-first century: An introduction* (pp. 99-110). Routledge. <https://doi.org/10.4324/9780203939031-15>
- Ferguson, R. B. (2021). Masculinity and war. *Current Anthropology*, 62(23), 112-124. <https://doi.org/10.1086/711622>
- Fierke, K. M. (2016). Constructivism. In T. Dunne, M. Kurki & S. Smith (Eds.), *International relations theories: Diversity and disciplines* (4th ed., pp. 162-181). Oxford University Press. <https://doi.org/10.1093/hepl/9780198814443.003.0009>
- Godfrey, R., & Brewis, J. (2008). 'Nowhere else sells bliss like this': Exploring the emotional labour of soldiers at war. *Gender, Work & Organization*, 25(6), 653-669. <https://doi.org/10.1111/gwao.12229>
- Goldstein, J. S. (2001). *War and gender: How Gender Shapes the War System and Vice Versa*. Cambridge University Press.
- Hucks, D. C. (2021). Masculinities and Teacher Education. In *Oxford Research Encyclopedia of Education*. <https://oxfordre.com/>

[education/view/10.1093/acrefore/9780190264093.001.0001/acrefore-9780190264093-e-1350](https://doi.org/10.1093/acrefore/9780190264093.001.0001/acrefore-9780190264093-e-1350)

- Jones, A. (1996). Does 'gender' make the world go around? Feminist critiques of international relations. *Review of International Studies*, 22(4), 405–429. <https://doi.org/10.1017/s0260210500118649>
- Metz, S., & Cuccia, P. (2012). Defining war for the 21st century: Strategic Studies Institute Annual Strategy Conference Report. Strategic Studies Institute.
- Mondini, M. (2014). The construction of a masculine warrior ideal in the Italian Narratives of the First World War, 1915–1968. *Contemporary European History*, 23(3), 307–327. <https://doi.org/10.1017/S0960777314000162>
- Nye, R. A. (2007). Western masculinities in war and peace. *The American Historical Review*, 112(2), 417–438. <http://www.jstor.org/stable/4136608>
- Schulz, P. (2021). Male survivors of wartime sexual violence: Perspectives from Northern Uganda. University of California Press. <http://www.jstor.org/stable/j.ctv1f884s7>
- Smith, D. L. (2016). Paradoxes of dehumanization. *Social Theory and Practice*, 42(2), 416–443. <http://www.jstor.org/stable/24871350>
- Sparks, R. (1996). Masculinity and heroism in the Hollywood "blockbuster": The culture industry and contemporary images of crime and law enforcement. *The British Journal of Criminology*, 36(3), 348–360. <http://www.jstor.org/stable/23638032>
- Tickner, A. (1992). *Gender in international relations: Feminist perspectives on achieving international security*. Columbia University Press.
- Ukraine war: Deserters risk death fleeing to Romania. (2023, June 8). *BBC*. <https://www.bbc.com/news/world-europe-65792384>

- U.S. Department of Veterans Affairs (n.d.). How common is PTSD in veterans? Retrieved July 17, 2023, from https://www.ptsd.va.gov/understand/common/common_veterans.asp
- Walker, R. B. J. (1992). Gender and critique in the theory of international relations. In V. S. Peterson (Ed.), *Gendered states: Feminist (re)visions of international relations theory* (pp. 179-202). Lynne Rienner Publisher. <https://doi.org/10.1515/9781685859305-011>
- Wood, E. J. (2018). Rape as a practice of war: Toward a typology of political violence. *Politics & Society*, 46(4), 513-537. <https://doi.org/10.1177/0032329218773710>
- Yaeger, D. (2020). Directions for the study of masculinity: Beyond toxicity, experience, and alienation. *British Journal of American Legal Studies*, 9(1), 81-113. <https://doi.org/10.2478/bjals-2020-0005>

(Zlo)upotreba idealnog maskuliniteta u oružanim sukobima

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Sažetak

Ovaj rad istražuje koncept idealnog maskuliniteta u kontekstu oružanih sukoba i analizira njegov odnos sa stvarnim oblicima maskuliniteta. Cilj rada je da predstavi sadržaj sociokulturno oblikovanog ideala maskuliniteta u ratnom periodu i objasni kako takav ideal utiče na živote muškaraca zahvaćenih ratnim zbivanjima. Kroz pregled relevantne literature iz feminističke teorije međunarodne bezbednosti i studija maskuliniteta, rad ukazuje na raskorak između ideala i stvarnosti, te skreće pažnju na negativne posledice koje proističu iz takvog raskoraka. U nemogućnosti da dosegnu zahteve idealnog maskuliniteta, muškarci se suočavaju sa frustracijom i pritiskom da budu nasilniji nego što jesu kako bi odgovarali očekivanjima društva. Na kraju, rad naglašava potrebu za daljim istraživanjem ove oblasti i dekonstrukcijom militarizovanog maskuliniteta u cilju uspostavljanja inkluzivnijih predstava o muškosti i ostvarivanja dobrobiti koju bi time stekla većina muškaraca.

Ključne reči: idealni maskulinitet, militarizovani maskulinitet, hegemoni maskulinitet, oružani sukobi, feminizam, studije roda

Specific Problems of Financing Small and Medium Enterprises in the Republic of Serbia

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Article Information•

Review Article • 334.713:336.7(497.11)

Volume: 21, Issue: 1, pages: 101-126

Received: October 3, 2023 • Accepted: November 11, 2023

<https://doi.org/10.51738/Kpolisa2024.21.1r.101s>

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We have no known conflict of interest to disclose.

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- Cite (APA): Simić, V. (2024). Specific Problems of Financing Small and Medium Enterprises in the Republic of Serbia. *Kultura polisa*, 21(1), 101-126, <https://doi.org/10.51738/Kpolisa2024.21.1r.101s>



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Abstract

The goal of the paper is to point out specific problems in the financing of small and medium-sized enterprises (SMEs) in Serbia. It has been shown both through the research of professional literature and through concrete scientific research that SMEs are most often in a problem to sustain themselves for the reason that they are not in a position to find means for work and progress, but also that they are familiar with it either to a small extent or they are not familiar at all. It was established that SMEs note that favorable loans are unavailable to them and that they survive and develop in the largest percentage by the capital of the owners themselves or their relatives and friends. If we take into account the importance that SMEs have in the growth of the national economy, it is necessary for the state to find a way to enable them to develop and grow without hindrance. Guarantee funds are a very important source of financing for SMEs, which act as a guarantee that SMEs will return the loan to the banks. Another segment that represents an obstacle in the trust of the state, banks and other financial institutions in SMEs is the fact that companies are founded and closed for the purpose of money laundering.

Key words: financing of small and medium enterprises, problems, guarantee fund, Republic of Serbia

Specific Problems of Financing Small and Medium Enterprises in the Republic of Serbia

Introduction

All countries in the world understand the importance of small and medium-sized enterprises (SMEs) in the development of their own economy. It has been shown that they represent 99% of all companies in the first place, because they increase employment, then influence the increase of gross added value and turnover, which gives them importance in the field of growth and development of national economies.

The characteristics of SMEs, considering their size, are that they are flexible, often directed towards innovative and risky ventures, that they are important, and that they can specialize very quickly. They employ workers who have lower qualifications, provide them with additional training and create social capital. All of the above enables these companies to adapt in a more adequate and simple way, compared to large companies, to constant changes in consumer wishes and business conditions on the world market. These characteristics allow SMEs to stimulate the strengthening of competition, which initiates better quality products and services, but also lower prices, support innovation and the introduction of new technologies, and enable economic growth. The European Commission published the 2022 Small and Medium Enterprises Performance Report, which concluded that in 2021, European small and medium enterprises (SMEs) represented 99.8% of all companies in the EU, creating 51.8% of the total added value in non-financial business economy and accounted for 64.4% of total employment in the EU (Annual Report on European SMEs 2021/2022, 2022).

With the help of SMEs, Serbia experienced economic growth from the year 2000 and the changes caused by the political situation, until 2008, when the world economic crisis was also reflected in our country. Then there was an increase in employment, gross added value and exports. Encouraging their development is one of the priority goals of

Serbia's economic policy, given that their biggest problem has been shown to be a lack of capital. Owners of small businesses especially rely on their own funds or family funds, while they are not sufficiently familiar with credit sources from banks as well as various domestic and foreign support programs. The survival, growth and development of SMEs is primarily determined by the possibilities of financing from favorable sources.

The importance of small and medium-sized enterprises is that:

1. they give preference to flexibility and innovation,
2. they create a more competitive and healthy economy
3. they help big businesses.

SMEs are the driving force of economic development, however they usually face limited access to favorable sources of financing both on the money market and on the capital market, especially in terms of the conditions and price of their use (Erić, Beraha & Đuričin, 2011, pp. 59–65).

The number of employees is a statistical criterion that is most often used in many countries and represents the line of demarcation between small, medium and large companies. In Serbia, according to the Accounting Act (National Assembly, 2021), companies are classified into small, medium and large. The criteria for this classification are: number of employees, income and sum of business assets according to annual calculations in the last two years.

This law classified as small enterprises those that meet at least two of the following conditions:

- have up to 50 employees,
- they earned an annual income of less than 8,000 average gross wages of employees in the Republic,
- the average annual property value does not exceed 6,000 of the average gross salary of employees in the Republic (National Assembly, 2021).

According to this law, medium-sized enterprises include those that meet at least two of the following parameters in the last year:

- have an average of 50 to 200-250 employees per year,

- they achieved an annual income of 8,000 to 40,000 of the average gross salary of employees in the Republic,
- the average annual property value is in the range of 6,000 to 30,000 of the average gross salary of employees in the Republic (National Assembly, 2021).

The specific problems faced by SMEs in Serbia can be classified into the following: lack of appropriate funds to secure credit, lack of documentation confirming the business venture and the company, then lack of knowledge on how to present the project to the creditor in the most adequate way, directing the creditor towards financing of large companies, as well as the absence of a methodology that evaluates small projects, which makes the evaluation process more expensive, especially in relation to small individual loan amounts (Paunović & Novković, 2003, p. 12).

Characteristics of SME financing sources

The European Commission published the 2022 Small and Medium Enterprises Performance Report, which concluded that in 2021, European small and medium enterprises (SMEs) represented 99.8% of all companies in the EU, creating 51.8% of the total added value in non-financial business economy and accounted for 64.4% of total employment in the EU (European Commission, 2022). Last year's trend was also confirmed, with growth in both their added value (by 8% in the non-financial sector) and employment (by 0.5%). It also states that SMEs continue to invest in green and digital transformation processes and view sustainability as an opportunity, with almost 90% of SMEs reporting funds to improve their resource efficiency.

Considering the mentioned data, it is necessary to determine the sources of financing of SMEs, on which their survival depends, as well as their overall success.

It is a fact that banks make cautious decisions and have no motivation to invest financial resources in SMEs, thereby limiting long-term economic development in many ways. This happens for the following reasons:

- SME banking investment in developing countries is limited by significant macroeconomic instability,
- although banks try to decentralize the sale of the services they offer in the field of finance by establishing regional branches, decisions regarding credit approval and risk management are made at the central level,
- the percentage of approved SME loans in bank portfolios is very low, while the interest rates are high because their loans are risky,
- banks that do not belong to domestic capital to a greater extent insist on collateral in the form of real estate, and also invest significant attention in processing information,
- it was concluded that banks behave differently when financing SMEs in countries in transition, including Serbia: banks that operate in countries in transition give fewer investment loans, and their interest and loan cost compensation are higher.

It is also noted that the sources of SME financing depend on the stages of development, that is, on the age of the company itself.

A company, regardless of its size, goes through different stages in its development, that is, in its life. Different authors have given different stages of the life cycle of a company, but what is similar in all of them is that these stages are correlated with the ways of financing the company. This paper took into account the division made by Timmons (1990), which overlooks 6 stages:

- research phase,
- the start-up phase or "start-up" phase,
- the phase of company growth and the phase of accelerated growth,
- the phase of significant profitability but without cash,
- the bridging phase or "bridge",
- mature phase and stability phase.

There are two types of financing sources for SMEs:

- Proprietary,

- In debt.

The owner may be in a situation to select a source of financing, but if he cannot, he must rely on the availability of sources of financing at a crucial moment.

Ownership financing means that in which, by investing financial resources, ownership of the company is obtained, which at the same time ensures control over it. If this financing is realized by the owner, or one of his relatives or friends, then it becomes internal, while external includes money that came from investors, who can be formal and informal.

Debt financing includes loans and leasing, and it initiates a debtor-creditor relationship.

If we look at the models of sources of financing through the prism of the phases of the life cycle of the company, it can be seen that at the beginning of the establishment of the company, identical sources of financing dominate: own or from relatives and friends, while with the expansion and strengthening of the company, the inclusion of other sources such as loans from banks and financial organizations begins and institution. If the company's creditworthiness is good, leasing is also used. When the company continues to successfully develop and expand, it enters the financial market, which allows it to include new types of financing, which include: issuance of shares, bonds, various securities.

Therefore, a newly formed company is often in a position where it does not have the support of the banking sector and they do not approve short-term or long-term loans. This happens because the company is not in a position to provide creditors with guarantees that it is capable of making a profit, and that it will have enough funds to repay the short-term loan, that is, that it will remain in business and be able to repay the long-term loan (Paunović, Novković, 2003, p. 12). The collateral security of debt with the help of pledging real property is also out of the question, because it does not necessarily mean that it will affect the increase in the value of the company that was created, because with the passage of time the real value decreases significantly. If the banks decide to grant a loan to newly formed companies, it is for

a specific purpose - for working capital, and its value does not exceed the amount of the company's capital.

Guarantee funds – role and importance in SME financing

In view of the already pointed out problem of SMEs that they are obliged to give certain funds to the bank as a pledge if they are unable to return the loan to the bank, so that the bank can turn it into money on the market, guarantee funds appear. Guarantee funds have the role of guaranteeing banks that if the companies themselves are unable to do so, they will return to the banks the funds they lent to the companies. It is also understood that they pay the interest itself. Thus, guarantee funds appear as someone who is in a position to provide assistance to SMEs in the realization of entrepreneurial ideas through obtaining loans from banks. "By providing guarantees to creditors, guarantee funds make it easier for small and medium-sized enterprises, which cannot provide the necessary collateral, to obtain bank loans, thus guarantee funds contribute to increasing the volume of investments and promote economic development" (Paunović & Novković, 2003, p. 13).

It is a very common case that guarantee funds also have an advisory role in companies and help them achieve project tasks. If they were created by the state, they operate on its entire territory, or are represented in the region or at the municipal level. The model of application of guarantee funds will depend on the function of the fund, its mode of operation, and it is clear that the funds differ from country to country. Guarantee funds are also established by associations that have several companies as part of them.

Guarantee schemes involve "activating an agreement involving creditors, guarantors and borrowers. Lenders are usually financial institutions, usually private banks, on the other hand, guarantors can be private or public state entities. The third party in this multilateral agreement are the borrowers who are most often defined as dissatisfied clients in the formal banking market (Girardi & Ventura, 2014, pp. 182–194).

There are also guarantee schemes created by the state, so that capitalization occurs through state institutions that have national or local value.

The contract related to business and technical cooperation between the commercial bank and the guarantee fund is signed before the start of work on issuing and receiving guarantees. The guarantee fund is in the role of the one who determines the extent to which the bank is capable of verifying and disbursing loans, as well as the conditions under which they are approved.

A guarantee can only be expected if the company is a member of the guarantee fund. Then it turns to the bank for a loan, and if there are no conditions, the bank will reject the request, and after that the company turns to the guarantee fund, which evaluates the request, after which it gives a guarantee to the bank for issuing the loan. Guarantees appear in two forms: as individual ones (a company that failed to get a loan from a bank turns to a fund that individually analyzes the conditions for obtaining a loan from the bank, mostly focusing on possible risks - if the level of risk is reasonable, a guarantee is given), and as automatic (the guarantee fund will automatically issue a guarantee, without any determination of potential risk).

If the lender has all the necessary conditions found in the loan agreement, all the signatories of the agreement leave satisfied. The entrepreneur is in the role of someone who can continue with his business, the bank earns from the interest earned and the guarantee fund contributed to the development of SMEs through a commission. It also happens that the company is not able to pay back the loan, so the bank does not earn from the interest, and then it activates the guarantees. In that case, the guarantee fund will have to pay the bank the amount guaranteed by the contract, which in most cases amounts to 80% of the debt. Also, if it is stated in the contract, it is the guarantee fund's obligation to pay the bank the unpaid principal of the debt with interest.

Therefore, the most important goal of guarantee fund operations in the Republic of Serbia is to enable easier access to business lending for SMEs. The funds owned by the funds serve primarily, if not

exclusively, companies that have difficulties in finding collateral or a lack of business and credit history, and cannot independently participate in the credit market, but can prove the economic value of their own projects and possess the necessary qualities in terms of finance. .

Problems in the loan market for SMEs - money laundering and corruption

Contemporary business is increasingly burdened by innovative methods of money laundering (see more: Bjelajac, 2011), and omnipresent corruption (see more: Bjelajac, 2008; Bjelajac, 2015). The SME loan market is fertile ground for corruption for several reasons. The conditions under which loans are granted to SMEs are very difficult, as we have already shown, because the costs of using them are potentially high (IFC, 2010). Such conditions create a situation in which corruption can occur in order for agents to gain access to finance and buy off loan repayments.

Corruption can be found in different stages of the lending process: in the selection and decision-making stage, during the partnership or during the actual use of the loan. It often takes the form of bribery, nepotism, collusion and fraud. It disrupts the effective allocation of financial resources and increases capital costs, especially on the side of SMEs.

Corruption issues related to lending to SMEs are similar to bureaucracy in the public sector which imposes a disproportionate bureaucratic burden on SMEs and creates incentives and opportunities for bribery (Martini 2013).

Credit formalities impose disproportionate requirements and costs on SMEs, which initiates incentives for them to engage in corruption in order to facilitate and speed up the process of obtaining loans.

Financial institutions most often select clients to whom they grant loans by using their verifiable financial information, and in this way they have the opportunity to limit credit risks, i.e. the risks of potential lost income and property due to late payment or complete non-payment of loans by SMEs (IFC, 2010). When assessing credit risk, there are

difficulties with SMEs, which limits the willingness of banks to grant them loans (De la Torre, Peria & Schumkler, 2008).

The high credit risk of SMEs for traditional banking models leads to disbursement of loans that require collateral. However, SMEs often lack the necessary collateral, which further limits banks' willingness to lend them money (IFC, 2010). It is precisely this difficulty for SMEs to submit guarantees to financial institutions that creates fertile ground for fraud and corruption. Small businesses may be tempted to use bribes or other forms of corruption to compensate for the lack of guarantees.

SMEs are at risk of bribery because SME owners/managers may pay bribes to individuals involved in extending credit within the bank in order to favor them for doing so. Bribery is one of the main methods of influencing the choice of borrowers.

Bank officials may influence borrowers to slow down the procedures related to obtaining loans, or may deliberately make the evaluation of loan applications more stringent or allow longer waiting periods before approval.

Among corrupt workers, nepotism also appears. Namely, lending to SMEs, similar to microfinancing, often involves small structures. As mentioned earlier, the "lending relationship" was often used as a way for banks to select their clients, in the absence of verifiable financial information. This proximity is not a problem in itself, but in the absence of effective control, it can lead to nepotism in lending and establishing favorable relationships.

Experts claim that the proximity between the lender and the borrower can weaken objectivity when granting loans. In addition, repeated and long-term interactions between these agents may lead the official to favor certain SMEs. Another risk is the use of the discretionary power of loan agents to give loans to their family or friends without any guarantee or repayment control.

Similar to the issue of nepotism, conflict of interest can also be a problem in the credit process. In the absence of adequate supervision and internal control and prevention mechanisms, the credit agent or bank manager may confirm credit procedures or approve excessively favorable conditions in favor of SMEs.

Fraud is the most common form of corruption that occurs in microfinance. Fraud is a risk that exists both in SMEs and in the bank itself.

Within a financial institution, loan officers and managers can approve fictitious loans and approve loans to fictitious borrowers, as well as transfer funds to their personal accounts. If internal control mechanisms are faulty, they can also manipulate financial data (not recording payments or recording non-existent payments or fictitious loans, etc.).

SMEs can also find themselves guilty of fraud through the manipulation of their own financial information. SMEs may use false accounting information to get a loan application approved, overstate or misrepresent assets acting as loan collateral, and overestimate their ability to repay the loan.

Misuse of lending to SMEs is also in the illegal financing of political parties and campaigns, but corruption has also been observed. It most often appears in the way the borrower uses the SME loan. Microfinance specialists note another risk of corruption that should be taken into account, which is the allocation of loans to finance illegal activity, then performing corrupt activities or activities related to money laundering. This relates to the importance of conducting due diligence on all clients and knowing the real owner, as fictitious SMEs are already used to laundering illicit funds.

Aim and methods of research

The research sample of a total of 84 small and medium-sized enterprises aimed to establish which sources of financing are represented in them in relation to the size of the enterprise itself, as well as in relation to its age, and which sources of financing dominate in the Republic of Serbia. It was also investigated to what extent the owners and managers of SMEs are familiar with the sources of financing, and based on all of this, certain conclusions were reached in the problems of SME financing.

The hypotheses that were put forward in the paper are:

- H0: In the Republic of Serbia, ownership sources of financing of small and medium enterprises dominate;
- H1: Financing of small and medium-sized enterprises in Serbia is correlated with the age of the enterprise and with the size of the enterprise;
- H2: Financing of small and medium-sized enterprises in Serbia from guarantee funds is not developed.

Analysis of research results

The largest number of companies in the sample belong to the middle-aged (5 to 24 years old), a fifth are old (more than 25 years old), 6% are newly formed companies (0-2 years old) and 2.4% are young (2 to 4 years old), and in terms of company size, 77% of the research sample consists of small companies (from 10 to 50 employees), while a quarter is made up of medium-sized companies (from 51 to 250 employees).

According to the form of organization, the largest number of companies belong to limited liability companies, and in relation to the stage of growth and development, 87% of companies are in the mature - stable stage, 8% in the start-up stage - the beginning of business, and 5% in the stage of high profitability and accelerated growth. No company is in the research phase or in the bridge phase.

The largest number (92%) of companies use their own sources of financing, while only 8.4% use the funds of their relatives and friends. About 90% of companies stated that they are not familiar with the activities of "business angels", while every tenth is partially familiar. Only 1% of companies are aware.

Approximately 80% of companies do not use or cooperate with those offered; 12% use and cooperate with proprietary securities, and 5% with companies for investments in SMEs (Chart 1).

Looking at Table 1, it can be seen that all five newly formed companies use their own sources of financing, about 90% of medium-old companies and all old companies.

When asked Do you use funds or do you cooperate with?, all newly formed companies (up to two years old) pointed out that they do not use and do not cooperate with the ones offered; about 80% of medium-aged and 70% of old companies also indicated this answer (Table 2).

When the variables of company size and sources of financing are crossed, it is observed that about 90% of small companies (from 10 to 50 employees) and the same percentage of medium-sized companies (from 51 to 250 employees) use their own means of financing (Table 3).

In the research, it was determined that about 90% of small companies do not use funds and do not cooperate with different funds, companies, equity securities, etc., while this is the case with about 40% of medium-sized companies (Table 4). A fifth of medium-sized enterprises use funds and cooperate with companies for investments in SMEs and equity securities. When asked Do you use loans as a source of debt financing?, all five newly formed companies stated that they use; about 80% of middle-aged and about 85% of old companies. When it comes to the percentage of loans in the total sources of financing in relation to the size of the company, it can be stated that about 40% of the funds of newly formed companies are represented in about 20, i.e. 30%; while a quarter of middle-aged and 45% of old companies indicated a percentage of 10%.

The largest number of newly formed companies do not have knowledge about the work of guarantee funds; while this is the case with about 85% of middle-aged and 90% of old companies (Table 5). To the question If you used the services of a guarantee fund, for what purpose did you do it?, the highest number of "non-answers" (Table 6).

The largest number (80%) of newly formed companies do not have knowledge of the use of different financing models; this is the case with 60% of medium-sized companies, while a third only have knowledge of some of the models mentioned. When it comes to old companies (older than 25 years), more than half have knowledge only about some of the mentioned models, and about 40% do not.

About 80% of small and 75% of medium-sized enterprises use loans as sources of debt financing (Table 7). Regarding the percentage

of loans in the total sources of financing, about 40% of small businesses use 10%, a third in the amount of 20%; about 50% of medium-sized companies use them in the amount of 10%.

More than 90% of small companies point out that they did not have the opportunity to learn about the operation of guarantee funds during their operations, while this is the case with about 58% of medium-sized companies, while 42% of medium-sized companies have complete knowledge about it (Table 8).

To the question If you used the services of a guarantee fund, for what purpose did you do it?, the largest number of "non-answers" (Table 9).

Conclusion

In the research, we paid special attention to the variables of age and size of SMEs in the Republic of Serbia and we saw certain rules regarding the sources of financing that are used over time. When companies are in the stage of newly formed, young companies, almost all of them are financed from their own sources, and they also use the capital of relatives and friends.

Internal equity sources are represented in all SMEs, and the highest percentage of over 90% is own sources, while the rest is the capital of relatives and friends. With the increase in the size of the company, there is no change in the mentioned sources of financing.

External proprietary sources of financing are represented to a lesser extent, but it is observed that proprietary securities, companies for investments in SMEs and strategic alliances dominate. Venture capital funds are represented in a percentage slightly higher than 1%.

Of the debt sources of financing, loans are represented by almost 90% of SMEs, and in the largest number of companies from the mentioned sector, they are represented in the total sources of financing at 10% (42% of SMEs) and 20% (30% of SMEs). Out of the total number of companies, only 15% have knowledge of the services offered by guarantee funds, and very few companies used them, and 6% stated that they did so "for the import of raw materials", and 5% "for the

approval of commercial bank loans". It is evident that the older the company is and belongs to the medium category, the higher the percentage of debt financing. It is evident that debt forms of financing are the most common form of external financing of SMEs. 80% of SMEs use loans.

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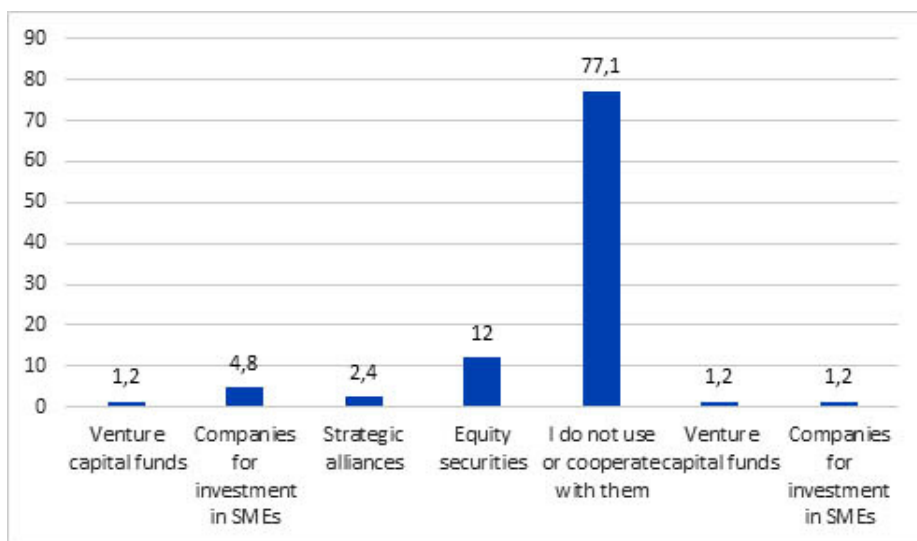
References

- Annual Report on European SMEs 2021/2022* (2022). https://www.een.rs/wp-content/uploads/2022/06/SME-AR-2021_22_Final-Report.pdf
- Bjelajac, Ž. (2008). Korupcija kao vid organizovanog kriminala [Corruption as a Form of Organized Crime]. *Pravo – teorija i praksa*, 25(3-4): 47–54.
- Bjelajac, Z. (2011). Contemporary tendencies in money laundering methods: Review of the methods and measures for its suppression. *The Research Institute for European and American Studies – RIEAS, Research paper, No.151*: 1–22.
- Bjelajac, Ž. (2015). Korupcija kao izazov savremenog demokratskog društva [Corruption as a Challenge of Contemporary Democratic Society]. *Kultura polisa* 12(26): 43–57.
- Centre for Entrepreneurship (2009). *SMEs and Local Development, OECD*. The Impact of the Global Crisis on SME and Entrepreneurship. Financing and Policy Responses. <https://www.oecd.org/cfe/smes/theimpactoftheglobalcrisisonsmeandentrepreneurshipfinancingandpolicyresponses.htm>
- De la Torre, A., Pería Martínez, M. S. & Schumkler, S. (2008). *Bank Involvement with SMEs: Beyond Relationship Lending*. World Bank Development Economics Research Group. <https://openknowledge.worldbank.org/bitstream/handle/10986/6670/wps4649.pdf?sequence=1>
- European Commission. (2023). *Internal Market, Industry, Entrepreneurship and SMEs*. https://single-market-economy.ec.europa.eu/smes/sme-definition_en
- Erić, D., Beraha, I., & Đuričin, S. (2011), Financing innovative small and medium-sized enterprises in times of crisis. *Romanian Journal of Economics*, vol.33, issue 2 (42), 59–74.
- Erić, D., Beraha, I., Đuričin, S., Kecman, N., & Jakišić, B. (2012). *Finansiranje malih i srednjih preduzeća u Srbiji*. [Financing of

- small and medium enterprises in Serbia]. Privredna komora Srbije, Beograd.
- Girardi, A. & Ventura, M. (2014). Partial credit guarantees and SMEs financing. *Journal of Financial Stability*, Volume 15, 182–194.
- International Finance Corporation (IFC). (2010). *The SME Banking Knowledge Guide*. <http://www.ifc.org/wps/wcm/connect/b4f9be0049585ff9a192b519583b6d16/SMEE.pdf?MOD=AJPERES>.
- Izveštaj o malim i srednjim preduzećima i preduzetništvu* (2018). [Report on small and medium enterprises and entrepreneurship] https://privreda.gov.rs/sites/default/files/documents/2021-08/Izvestaj-MSPP-2018_FIN.pdf
- Martini, M. (2013). *Reducing bureaucracy and corruption affecting small and medium enterprises*. http://www.transparency.org/whatwedo/answer/reducing_bureaucracy_and_corruption_affecting_small_and_medium_enterprises
- Mostapha, N., F. (2016). Financing of small and medium-sized enterprises (SMES) in developing countries. *The 2016 WEI International Academic Conference Proceedings*, Boston, USA, 169–177.
- Paunović, B., & Novković, N. (2003). Mogućnosti i izvori finansiranja malih i srednjih preduzeća. [Possibilities and sources of financing for small and medium enterprises]. *PTEP* 7(2003)1-2, 12–15.
- Timmons, J. A. (1990). *New Venture Creation: Entrepreneurship in the 1990s, 3rd edition*. Irwin, Homewood, IL. Google Scholar.
- Narodna skupština Republike Srbije* [Narodna skupština]. (2021). Zakon o računovodstvu [Accounting law]. (Službeni glasnik RS, br. 73/2019, 44/2021 – dr. zakon)

Appendix

Figure 1: Distribution of answers to the question Do you use funds or cooperate with?



Source: Author's Research

Table 1: Crosstabulation of company age and questions. What sources of financing do you use in your company?

	Own	Funds from your relatives and friends	In total
newly formed (0-2 years)	5 (100%)	/	5 (100%)
young (2-4 years)	1 (50%)	1 (50%)	2 (100%)
middle aged (5-24 years)	52 (89.7%)	6 (10.3%)	58 (100%)
old (>25 years)	18 (100%)	/	18 (100%)
In total	76 (91.6%)	7 (8.4%)	83 (100%)

Source: Author's Research

Table 2: Crosstabulation of company age and questions. Do you use funds or collaborate with?

	Venture capital funds	Companies for investments in SMEs	Strategic alliances	Equity securities	I don't use and I don't cooperate with people who have cheated	Venture capital funds and equity securities	Companies for investments in SMEs and equity securities	In total
newly formed (0-2 years)	/	/	/	/	5 (100%)	/	/	5 (100%)
young (2-4 years)	1 (50%)	/	/	/	/	1 (50%)	/	2 (100%)
middle aged (5-24 years)	/	3 (5.2%)	1 (1.7%)	8 (13.8%)	46 (79.3%)	/	/	58 (100%)
old (>25 years)	/	1 (5.6%)	1 (5.6%)	2 (11.1%)	13 (72.2%)	/	1 (5.6%)	18 (100%)
In total	1 (1.2%)	4 (4.8%)	2 (2.4%)	10 (12%)	64 (77.1%)	1 (1.2%)	1 (1.2%)	83 (100%)

Source: Author's Research

Table 3: *Crosstabulation of company size and questions. What sources of financing do you use in your company?*

	Own	Funds from your relatives and friends	In total
Small business (from 10 to 50 employees)	59 (92.2%)	5 (7.8%)	64 (100%)
Medium-sized company (from 51 to 250 employees)	17 (89.5%)	2 (10.5%)	19 (100%)
In total	76 (91.6%)	7 (8.4%)	83 (100%)

Source: Author's Research

Table 4: Crosstabulation of company size and questions. Do you use funds or collaborate with?

	Venture capital funds	Companies for investments in SMEs	Strategic alliances	Equity securities	I don't use and I don't cooperate with people who have cheated	Venture capital funds and equity securities	Companies for investments in SMEs and equity securities	In total
Small business (from 10 to 50 employees)	/	/	1 (1.6%)	6 (9.4%)	56 (87.5%)	1 (1.6%)	/	64 (100%)
Medium-sized company (from 51 to 250 employees)	1 (5.3%)	4 (21.1%)	1 (5.3%)	4 (21.1%)	8 (42.1%)	/	1 (5.3%)	19 (100%)
In total	1 (1.2%)	4 (4.8%)	2 (2.4%)	10 (12%)	64 (77.1%)	1 (1.2%)	1 (1.2%)	83 (100%)

Source: Author's Research

Table 5: *Crosstabulation of company age and questions. Did you have the opportunity to learn about the work of guarantee funds during your business?*

	Yes, I have full knowledge of that	No, I don't have that knowledge	In total
newly formed (0-2 years)	1 (20%)	4 (80%)	5 (100%)
young (2-4 years)	1 (50%)	1 (50%)	2 (100%)
middle aged (5-24 years)	8 (13.8%)	50 (86.2%)	58 (100%)
old (>25 years)	2 (11.1%)	16 (88.9%)	18 (100%)
In total	12 (14.5%)	71 (85.5%)	83 (100%)

Source: Author's Research

Table 6: *Crosstabulation of company age and questions. If you used the services of a guarantee fund, for what purpose did you do it?*

	Bo	For the approval of a commercial bank loan	For the import of raw materials	In total
newly formed (0-2 years)	4 (80%)	/	1 (20%)	5 (100%)
young (2-4 years)	2 (100%)	/	/	2 (100%)
middle aged (5-24 years)	51 (87.9%)	4 (6.9%)	3 (5.2%)	58 (100%)
old (>25 years)	17 (94.4%)	/	1 (5.6%)	18 (100%)
In total	74 (89.2%)	4 (4.8%)	5 (6%)	83 (100%)

Source: Author's Research

Table 7: *Crosstabulation of company size and questions. Do you use loans as sources of debt financing?*

	Yes, I use it	No, I don't	In total
Small business (from 10 to 50 employees)	52 (81.3%)	12 (18.8%)	64 (100%)
Medium-sized company (from 51 to 250 employees)	14 (73.7%)	5 (26.3%)	19 (100%)
In total	66 (79.5%)	17 (20.5%)	83 (100%)

Source: Author's Research

Table 8: *Cross-tabulation of company size and questions. During your business, did you have the opportunity to learn about the work of guarantee funds?*

	Yes, I have full knowledge of that	No, I don't have that knowledge	In total
Small business (from 10 to 50 employees)	4 (6.3%)	60 (93.8%)	64 (100%)
Medium-sized company (from 51 to 250 employees)	8 (42.1%)	11 (57.9%)	19 (100%)
In total	12 (14.5%)	71 (85.5%)	83 (100%)

Source: Author's Research

Table 9: *Crosstabulation of company size and questions. If you used the services of a guarantee fund, for what purpose did you do it?*

	Bo	For the approval of a commercial bank loan	For the import of raw materials	In total
Small business (from 10 to 50 employees)	61 (95.3%)	2 (3.1%)	1 (1.6%)	64 (100%)
Medium-sized company (from 51 to 250 employees)	13 (68.4%)	2 (10.5%)	4 (21.1%)	19 (100%)
In total	74 (89.2%)	4 (4.8%)	5 (6%)	83 (100%)

Source: Author's Research

Specifični problemi finansiranja malih i srednjih preduzeća u Republici Srbiji

Vojislav Simić

Nezavisni istraživač

Sažetak

Cilj rada je da ukaže na specifične probleme u finansiranju malih i srednjih preduzeća (MSP) u Srbiji. Pokazalo se kako kroz istraživanje stručne literature, tako i kroz konkretno naučno istraživanje, da su MSP najčešće u problemu da se održe iz razloga što nisu u poziciji da pronađu sredstva za rad i napredak, ali i da su sa tim upoznati ili u maloj meri ili uopšte nisu upoznati. Utvrđeno je da MSP beleže da su im nedostupni povoljni krediti i da opstaju i razvijaju se u najvećem procentu od strane kapitala samih vlasnika ili njihovih rođaka i prijatelja. Ukoliko se u obzir uzme značaj koji MSP imaju u rastu nacionalne ekonomije, neophodno je da država pronađe način da im omogući da se nesmetano razvijaju i rastu. Vrlo važan način za izvore finansiranja MSP predstavljaju garancijski fondovi, koji su u ulozi garancije da će MSP vratiti kredit bankama. Još jedan segment koji predstavlja prepreku u poverenju države, banaka i drugih finansijskih institucija u MSP jeste i činjenica da se preduzeća osnivaju i gase radi pranja novca.

Ključne reči: finansiranje malih i srednjih preduzeća, problemi, garancijski fond, Republika Srbija

Is De-Dollarization Inevitable?

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Article Information•

Research Article • UDC: 336.747.4

Volume: 21, Issue: 1, pages: 127-143

Received: November 13, 2023 • Accepted: December 18, 2023

<https://doi.org/10.51738/Kpolisa2024.21.1r.127nzlz>

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We have no known conflict of interest to disclose.

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• Cite (APA): Nikolić, G. V., Zvezdanović Lobanova, J., Zvezdanović, M. (2024). Is De-Dollarization Inevitable? *Kultura polisa*, 21(1), 127-143, <https://doi.org/10.51738/Kpolisa2024.21.1r.127nzlz>



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Abstract

Relying on relevant studies of internationally recognized economists, using content analysis, synthesis, and comparison methods, we monitor the process of de-dollarization, i.e. phenomenon of establishing a new balance of power in the global financial order. The main intention of the work is to project future directions of international monetary policy by pointing out the institutional and other barriers to the internationalization of the main contender for the status of global currency — the Chinese renminbi. The aim of the work is to provide guidelines to the creators of domestic economic policy in the context of the increased importance of non-Western currencies, and consequently, the need to rebalance the foreign exchange reserves and create the necessary infrastructure for the increased use of the Chinese currency on the domestic foreign exchange market. We conclude that despite a certain weakening of the global importance of the US currency — especially from the beginning of 2022 — the process of de-dollarization is in its initial phase, and that could last for decades. Namely, in order to form a multilateral currency system, taking into account the current hegemonic status of the dollar, a substantial increase in the use of other currencies is necessary. This applies to world trade crediting, where the greatest, but still limited, progress of the yuan is seen, but also to the other domains such as the allocation of central bank's foreign exchange reserves, the securities' denomination, and the invoicing of financial transactions in bilateral trade and other arrangements.

Keywords: de-dollarization, global monetary order, financial transactions, foreign exchange reserves, yuan, central banks.

Is De-dollarization Inevitable?¹

Introduction: main research questions

The research is based on the claim that current events – which will be analysed in detail in the paper – prove the thesis of the structure transformation of the world's financial, i.e. monetary system, from one based on the leading role of the dollar to a more multipolar one. In this new order, the dominance of the dollar would be reduced, the status of the euro, as the second global currency, would be maintained, the role of the yuan would be strongly strengthened, and the international use of other non-Western currencies would increase to a lesser extent. Related to this basic hypothesis, two research questions were set:

1. Is the de-dollarization process primarily a consequence of the dramatic strengthening of China's economic power and associated intensified effort by Beijing to internationalize its own currency?

2. Are the factors supporting the hegemony of Western currencies, especially the dollar, so strong and well-founded that the reduction of the dominance of the US currency is far on the horizon, and that the seemingly inevitable trend of the strengthened role of other currencies will still have relatively modest implications?

The research was conducted using the methods of content analysis, synthesis and comparison. The time frame of the research, although not formally limited, mainly refers to the period since the beginning of the Global Financial Crisis in 2008. However, the focus is on the period after February 2022, i.e. the expulsion of 'most Russian banks' from SWIFT, the freezing of foreign exchange reserves of the Russian Federation (RF) located in Western countries, which coincides with the acceleration of the erosion of the global importance of the dollar.

¹ "This paper was written as part of the 2024 Research Program of the Institute of Social Sciences with the support of the Ministry of Science, Technological Development and Innovation of the Republic of Serbia."

For research purpose, recent economic literature, statistical data from leading international financial organizations, and statements from officials relevant to the topic of the study were used.

The introductory part of the paper includes the main research questions, while the second section is dedicated to presenting key concepts. The third section provides a brief review of the relevant literature, while in the fourth section, we focus on the growing global importance of the Chinese currency. In the fifth section, we investigate the advantages of the US currency, which hinder rapid changes in the international monetary system, and, finally, the paper ends with concluding remarks.

Acceleration of de-dollarization

De-dollarization is defined as a process in which many countries make efforts to become less dependent or “exposed” to the dollar. This involves using other currencies for the “settlement” (clearing) of cross-border trade or diversifying foreign exchange reserves (i.e. by reducing the share of the US currency in them).

Although Beijing has been making serious effort since 2008, enduring the effects of the Global Financial Crisis, which significantly affected China, partly due to its lack of a convertible currency, progress in expanding the use of the yuan in international transactions has been modest. However, after Russian banks were removed from SWIFT and the freezing of Russia’s foreign exchange reserves denominated in the currencies of Western countries, the worldwide reaction against the hegemony of the US dollar was unexpectedly strong. Namely, Russia, as a relatively large economy and one of the world’s leading exporters of commodities, primarily energy, faced with Western sanctions, was forced to de-dollarize and de-euroize its trade, increasingly using the yuan. Most importantly, Western sanctions against Moscow have raised concerns in Beijing and in many other capitals of large developing countries that they could also come under attack.

Recognizing the opportunity, China has begun to orchestrate the de-dollarization. The government in Beijing intensified agreement

negotiations about the usage of renminbi (RMB) in bilateral transactions with numerous countries, from Russia and Saudi Arabia to Brazil and even France (Lei, Chen & Gu, 2023). Thus, since the beginning of 2022, greater effects have been undertaken to promote the yuan than in the previous decade.

Consequently, as part of these China's attempts, numerous countries, including Saudi Arabia, Bangladesh, India, Argentina, Brazil, Pakistan, Iraq and Bolivia, have started trading in yuan or have expressed readiness to do so in the near future. However, the volume of cross-border transactions denominated in RMB is still marginal.

What is particularly important is that a big part of this new tendency is occurring without the involvement of Beijing (and Moscow). In April 2023, India – which can hardly be considered a strategic ally of China – and Malaysia announced a new mechanism for conducting bilateral trade in rupees. A month later, ASEAN (the economic association of 10 Southeast Asian countries) agreed to increase the use of member currencies for regional trade and investment. In the same month, South Korea and Indonesia signed an agreement to promote direct exchange between the won and the rupiah. Brazilian President Luiz Inacio Lula da Silva called on the largest developing economies to find an alternative to the dollar in foreign trade invoicing, while the group to which his country belongs – BRICS (including Russia, India, China and South Africa) even has a plan to create a common currency.

De-dollarization is also influenced by the increased perception of the yuan as a trustworthy currency. Additionally, many countries chose the RMB over the dollar because its use in international trade could help them maintain the balance in their foreign exchange reserves (thus, preserving hard-earned dollars). The de-dollarization process is also driven by high exchange rates, i.e. by a strong appreciation of the dollar during 2022, and the subsequent reduction of foreign exchange reserves in developing countries (Malhotra, 2023). The strengthening trend of the dollar, especially against the yuan and the ruble, has accelerated during 2023.

Otherwise, trade in local currencies between countries is the most usual approach to de-dollarization, and it is slowly becoming a common practice (for instance, India currently has 19 bilateral agreements). Trading in a “third currency” is another way of de-dollarization (an example is the repayment between Bangladesh and Russia in Chinese yuan).

Technological progress is yet another factor facilitating efforts to reduce dependence on the dollar. Several economies are reducing the use of the dollar as a by-product of attempts to build new payment networks. For example, Malaysia, Indonesia, Singapore and Thailand have established systems for mutual transactions in their local currencies. De-dollarization is also occurring through the development of national payment systems that partially imitate SWIFT, such as the Chinese CIPS (*Cross-Border Interbank Payment System*), the Russian MIR or the Indian version of the card payment system.

De-dollarization is also influenced by the development of sovereign digital currencies, where China is taking the lead. These currencies, becoming a revolution in cross-border payments, could facilitate the transition away from the dollar. Namely, any two central banks will be able to settle payments between them in their own currencies without relying on large correspondent banks or dollar settlement systems (Demerzis, 2023).

De-dollarization – a brief review of literature

Given the global significance of the dollar, it is not surprising that a huge number of scientific studies and other types of analysis have emerged dedicated to de-dollarization. This paper is based on studies dealing with similar topics.

Since China will soon surpass the United States in terms of GDP, already having a purchasing power parity GDP a quarter higher than the US and significantly larger volume of international trade, many financial experts are questioning whether the RMB will take over the role of the dollar. Gopinath and Stein (2021, 785) highlight the mutually reinforcing synergy between the use of the dollars in trade

and capital flows mediated by banks, while Farhi and Maggiori (2017, 295-296) emphasize the complementarity between invoicing in dollars and demand for assets denominated in that currency. By using data from 58 central banks, Ito and McCauley (2020) indicate that invoicing export in dollars is an important determinant of the share of that currency in foreign exchange reserves. The authors point out that countries have a higher proportion of dollars in foreign exchange reserves when the exchange rate movement of their domicile currency correlates with the US exchange rate. Ogawa and Muto (2019) focus on liquidity and suggest that only large economies possess deep and liquid markets open to the rest of the world. Authors skeptical about this issue (for example, Eichengreen, Mehl & Chitu, 2018; Eichengreen, 2019) reexamine the importance of these complementarities between different international use of currency. They argue that with financial markets development, central banks are less likely to retain reserves in the currency used for exporters invoicing or bank lending, foreseeing a transition towards a multi-currency international monetary system. The study by Arslanalp, Eichengreen and Simpson-Bell (2021, 35-36) shows that although the RMB has improved its position, it still lags behind the dollar as a form of international reserves, while the dominance of the US currency could be reduced because of its replacement by a wide range of alternative currencies.

The Fisher Investments expert team is also optimistic about the multilateral currency system (Fisher Investments Editorial Staff, 2023). According to them, a world with multiple reserve currencies and trade in many currencies is economically beneficial. It can limit the power of sanctions, while making trade more efficient, direct and free, among other things, increasing available liquidity.

Jamrisko and Carson (2022) point out that effort to move away from the Western-led monetary system, which has been the foundation of global finance for over half a century, are gaining momentum.

Not everyone is pessimistic about the fate of the US currency. For example, Fried (2022, 26-27) points out that the dollar plays a critically important role as the most commonly used currency in the global markets for goods, services and financial markets. He argues

that the strong international demand for dollar-denominated assets, associated with the status of that currency, enhance the value of the dollar and the value of assets denominated in dollars on financial markets. He quotes an estimate from the Congressional Budget Office that the global role of the dollar will be only marginally reduced.

Former US Treasury Secretary, Larry Summers shares a similar opinion, emphasizing that no other country has witnessed such a strong desire from companies and individuals to move as much money as possible, even in case of capital controls. Relatedly, the following question arises: whether China will indeed become a place where individuals, corporations and central banks will decide to hold reserves in massive amounts (Anstey, 2023).

Chinese efforts for the internationalization of the yuan

Since the war in Ukraine and the western isolation of the RF, the use of the RMB in agreement, from oil to nickel has accelerated, while the currency's share in global trade financing tripled since the end of 2019. Although it still accounts for a small portion of global transactions, the growing significance of the yuan creates a perception of accelerating de-dollarization.

Beijing has resisted broader measures that would encourage international use of the yuan in order to avoid the possibility of sudden capital outflows that could destabilize the economy. Related to the previous, China still lacks the deep and free financial markets necessary for the yuan to become a global currency (Chuluun, 2023).

China hesitates to move to full convertibility, because it fears that an open capital account could lead to imported crises and weaken control of the economy (Mercurio et al., 2021, 59-61). Instead, it applies the approach a "balance between development and security", as experts from the People's Bank of China (PBoC) argue (PBoC, 2021, 37). However, even without capital account convertibility, trade and investment linkages can stimulate the use and accumulation of yuan (Eichengreen et al., 2022, 6-16). Namely, China has established a global clearing and payment network, making it possible to conduct

cross-border transactions in yuan in a large number of different jurisdictions. Furthermore, access to the yuan was expanded through loans and currency swaps of the Chinese central bank, as well as the convertibility of RMB into dollars on offshore markets (the idea is for the yuan to be “supported” by dollar reserves that the PBoC will continue to hold and use). In order for foreign holders to have motivation and security to hold financial assets denominated in yuan, the offshore market for RMB and the swap lines of the PBoC are of crucial importance (the swap lines create confidence that liquidity in yuan can always come from the PBoC, while the offshore market assures reserve managers of central banks and other investors to be able to convert the RMB holdings into dollars at predictable rates if needed). Thus, with the help of import financing, debt payments, payment infrastructure, currency exchange lines and offshore markets, the RMB could play a more significant global role (Naef et al., 2022).

An important aspect of the increased international position of Beijing and its currency is China’s role as an international crisis manager, which has significantly grown since 2015, along with the increase in foreign lending. Namely, over one generation, China has become the world’s largest sovereign lender to developing countries. Chinese foreign investments, and consequently foreign loans, increased significantly after the implementation of the projects Belt and Road initiative (worth \$900 billion) (Sjoholm, 2023, 73). How a vast number of poor countries face debt problem, Beijing has directed at least \$240 billion in aid to 22 countries since 2000. Horn et al. (2023) describe this as a “new global system of cross-border lending”, a framework that practically opposes the US – led monetary order in place since 1944 (Central Bank of China is transforming into a “lender of last resort”). Most of the aid was made through the currency swap lines of the PBoC, which are essentially low-interest loans between central banks. Therefore, China is using the massive reserves of its central bank to establish itself as a source of emergency funds for “rescuing” countries that have been granted loans for years.

Swap lines are typically repaid within a few days. However, developing countries use the swap lines from PBoC for purposes other

than increasing liquidity: to replenish official foreign exchange reserves in times of crisis, as well as to finance state budgets. Among other things, this results in transforming the PBoC into a source of emergency funds (bridge credits), which is traditionally within the jurisdiction of the IMF (Beijing is indirectly rescuing Chinese lenders whose loans for the “Belt and Road Initiative” projects have failed).

It is indicative that other creditor countries, beyond the traditional creditors gathered around the Paris Club, such as Saudi Arabia, the UAE or Russia, are also making efforts through state-controlled institutions, to direct rescue loans, suggesting a shift towards a more fragmented international financial architecture (Horn et al., 2023, 15–16).

The study HKIMR (2023, 23-24) shows that, even without complete financial liberalization, China can exert influence on global equity markets through its crucial role in world markets for goods and services. Namely, Beijing is gaining increasing financial influence on international stock markets due to the gradual liberalization of portfolio investments, but also due to the volume of these types of investments by Chinese investors.

Dollar resistance

The US share of global GDP, measured by market exchange rates and purchasing power parity, has been declining in recent decades, especially after 2008 (Arslanalp, Eichengreen and Chima-Simpson, 2021). However, there are few signs that any other currency could provide the same level of stability, liquidity and security during the next generation.

The benefits enjoyed by the issuing country are what is most important for both those challenging the status of the US currency and for the US itself. For instance, since international trade is largely denominated in dollars, American businesses and consumers incur lower costs due to transactions in foreign currency of fluctuations in exchange rates. The strong global demand for US dollar-denominated securities has allowed Washington to borrow at relatively low interest

rates for decades in order to finance excessive fiscal deficits or spending (indeed, after consistent growth since beginning of 2022, the yield on 10-year US bond is on historically high 4,6% in the mid November 2023). The dollar benefits from constrains on the use of many currencies of developing countries in the areas such as cross-border lending and portfolio investment, as well as the simple inertia arising from adherence to the prevailing reserve currency.

The dollar dominates in the turnover in the world foreign exchange markets, since close to 90% of the trade contains this currency in one phase of the transaction (euro 31%, yuan 7%). About two-fifths of this result from the use of the dollar as the currency for foreign exchange transactions between third currencies, which means that currency pairs not involving the US currency are not exchange directly but through the dollar. The dominance of the dollar is evident in all foreign exchange instruments on the global currency markets, with at least 85% of trading in spot, forward and swap exchange markets involves this currency in one phase of the transaction. The leading role of the US currency is evident in cross-border loans (about half of which are denominated in dollars), as well as in international debt securities (bonds), which are also denominated in dollars to a similar extent. The dollar is the overwhelmingly dominant currency in offshore financing markets. Namely, about half of all international debt securities and cross-border loans issued in offshore markets are denominated in dollars. Additionally, approximately half of global trade is invoiced in dollars, despite the fact that the United States accounts for just over a tenth of international trade. Regarding the international payment system, i.e. SWIFT transfers, the dollar accounted for 46,58% of them in September 2023, far ahead of the euro and yuan with 23,6% and 3,71%, respectively (RMB Tracker October 2023, 3). Indeed, the allocated foreign exchange reserves of all the world's central banks are a domain in which the role of the dollar has significantly decreased (falling to 58,4% from 72% in 2021). However, this trend is driven by the growing prevalence of currencies such as the euro, pound, Canadian dollar and Australian dollar, and only marginally the yuan. In addition, in the second quarter of 2023, there

is a slight increase in the share of foreign reserves in dollars, reaching 58,9%, while the euro stands at 19,9%. The yuan's share is modest at 2,4%, showing a slight decrease (by 0,4%) compared to the previous 12 months (Reuters, Sept 29, 2023).

It should be added that the standard way in which trading partners measure the market value of goods and services is exchanged through the US currency. Furthermore, more than 65 countries peg their currency to the US dollar (Baxter, 2023).

Concluding remarks

The international role of the dollar in global trade, investment or its use as a global reserve currency remains quite strong. The authors state that no other currency possessed the characteristics of the dollar as a store of value, unit of account and medium of exchange. The use of Fed instruments, especially the liquidity swap lines, also helps sustain the international role of the dollar. However, the use of economic sanctions has led some countries to reconsider their reliance on the US currency. In connection with this, the rising level of public debt and relatively high inflation in the United States could also be factors that discourage foreign investors' interest in the US currency, as well as slowness in the digital currency development. A certain erosion of the dollar's significance is evident through the decline of its share in global foreign exchange reserves, which is also a consequence of the increased share of gold in these reserves. Namely, many developing countries have been increasing their gold reserves over the past 13 years and the size of purchases is accelerating, suggesting that perhaps any new currency could be partially backed by gold (Goldberg, Lerman and Reichgott, 2022).

The dollar's role in invoicing and crediting international trade and settlement (clearing) appears to be the place where the loss of dollar's primacy will be first felt, and demand for it will decline more rapidly. In connection with this, Beijing is intensifying efforts to use the yuan more for invoicing Chinese exports and imports. However, although China is by far the largest trading nation globally, a radical

change in the currency in which external trade is invoiced will not be easy. Namely, China primarily wants to export to the markets of the United States and the European Union, where it achieves substantial surpluses, which is of critical importance for the competitiveness of the country's industrial base. In this regard, although from February 2022 to the same month of 2023, the share of the yuan as a currency used to finance trade credits has more than doubled (reaching 4.5%), its share, although approaching that of the euro (6%), is far from the 85% that refers to the dollar (Lu, 2023).

The de-dollarization process is in its initial phase and it could take decades. Specifically, bearing in mind the current hegemonic status of the dollar, in order to form a multilateral currency system, it is necessary to significantly increase the use of other currencies, both in financing global trade (where the yuan has shown the greatest progress), as well as in other domains such as the allocation of foreign reserves by central banks, the denomination of securities, and invoicing of financial transactions in bilateral trade and other arrangements.

References

- Anstey, C. (2023, April 8). Larry Summers Says the Dollar Isn't Losing Its Dominance in Global Economy. *Bloomberg*. <https://www.bloomberg.com/news/articles/2023-04-21/summers-spurns-de-dollarization-hype-flags-china-capital-flight>
- Arslanalp, S., Eichengreen, B. & Simpson-Bell, C. (2021, March 24). The Stealth Erosion of Dollar Dominance: Active Diversifiers and the Rise of Nontraditional Reserve Currencies. *International Monetary Fund*. <https://www.imf.org/en/Publications/WP/Issues/2022/03/24/The-Stealth-Erosion-of-Dollar-Dominance-Active-Diversifiers-and-the-Rise-of-Nontraditional-515150>
- Baxter, C. (2023, May 9). Is the US Dollars Dominance Under Threat? *Morgan Stanley*. <https://www.morganstanley.com/ideas/dollar-currency-2023>

- Chuluun, T. (2023, June 2). Ukraine war gives China's yuan a needed boost. *Asia Times*. <https://asiatimes.com/2023/06/ukraine-war-gives-chinas-yuan-a-needed-boost/>
- Demertzis, M. (2023, April 25). De-dollarisation. Bruegel. <https://www.bruegel.org/comment/de-dollarisation>
- Eichengreen, B. (2019). Two Views of the International Monetary System. *Intereconomics* 54, 233–236. <https://doi.org/10.1007/s10272-019-0830-3>
- Eichengreen, B., Macaire, C., Mehl, A., Monnet, E., & Naef, A. (2022). *Is Capital Account Convertibility Required for the Renminbi to Acquire Reserve Currency Status?* Banque de France. <https://publications.banque-france.fr/en/capital-account-convertibility-required-renminbi-acquire-reserve-currency-status>
- Eichengreen, B., Mehl, A. & Chitu, L. (2018). *How Global Currencies Work, Past, Present and Future*. Princeton: Princeton University Press.
- Farhi, E. & Maggiori, M. (2017). A Model of the International Monetary System. *Quarterly Journal of Economics*, 133(1), 295–355. <https://doi.org/10.1093/qje/qjx031>
- Fisher Investments Editorial Staff. (2023, May 12). Deep Dive: Why We Think De-Dollarization Fears Are Faulty Logic. *Fisher Investments*. <https://www.fisherinvestments.com/en-us/insights/market-commentary/deep-dive-why-we-think-dedollarization-fears-are-faulty-logic>
- Fried, D. (2023). *The U.S. Dollar as an International Currency and Its Economic Effects*. Congressional Budget Office. <https://www.cbo.gov/publication/58764>
- Goldberg, L., Lerman, R., & Reichgott, D. (2022, July 5). The U.S. Dollar's Global Roles: Revisiting Where Things Stand. *Federal Reserve Bank of New York Liberty Street Economics*. <https://libertystreeteconomics.newyorkfed.org/2022/07/the-u-s-dollars-global-roles-revisiting-where-things-stand/>

- Gopinath, G., & Stein, J. (2021). Banking, Trade, and the Making of a Dominant Currency. *Quarterly Journal of Economics*, 136(2), 783–830. <https://doi.org/10.1093/qje/qjaa036>
- HKIMR. (2023). *China's Increasing Global Financial Impact*. Hong Kong Institute for Monetary and Financial Research (HKIMR). <http://dx.doi.org/10.2139/ssrn.4372608>
- Horn, S., Parks, B. C., Reinhart, C.M., & Trebesch, C. (2023). *China as an International Lender of Last Resort*. National Bureau of Economic Research. <https://doi.org/10.3386/w31105>
- Ito, H., & McCauley, R. N. (2020). Currency Composition of Foreign Exchange Reserves. *Journal of International Money and Finance*, 102, 102104. <https://doi.org/10.1016/j.jimonfin.2019.102104>
- Jamrisko, M. & Carson, R. (2022, December 21). Suddenly Everyone Is Hunting for Alternatives to the US Dollar. *Bloomberg*. <https://www.bloomberg.com/news/articles/2022-12-21/fx-weaponization-supercharges-de-dollarization-drive>
- Lei, G., Chen, T., & Gu, J. (2023, May 2023). China Takes the Yuan Global in Bid to Repel a Weaponized Dollar. *Bloomberg*. <https://www.bloomberg.com/news/articles/2023-05-03/world-stop-currency-china-takes-yuan-global-in-bid-to-repel-us-dollar-usd>
- Lu, C. (2023, May 12). The Bid to Dethrone the Dollar. *Foreign Policy*. <https://foreignpolicy.com/2023/05/12/dollar-dominance-global-trade-china-yuan-brics-currency/>
- Malhotra, S. (2023, May 16). Why Countries are Accelerating 'De-Dollarization'? *Modern Diplomacy*. <https://moderndiplomacy.eu/2023/05/16/why-countries-are-accelerating-de-dollarization/>
- Mercurio, B., Buckley, R., & Fu, E. J. (2021). The Legitimacy of Capital Controls during a Retreat from Globalisation. *International & Comparative Law Quarterly*, 70(1), 59–101. <https://doi.org/10.1017/S0020589320000433>

- Naef, A., Monnet, E., Macaire, C., Mehl, A., & Eichengreen, B. (2023, October 31). The renminbi's unconventional route to reserve currency status. CEPR, *VoxEU*.
<https://cepr.org/voxeu/columns/renminbis-unconventional-route-reserve-currency-status>
- Ogawa, E. & Muto, M. (2019). What Determines the Utility of International Currencies? *Journal of Risk and Financial Management*, 12(1), 10. <https://doi.org/10.3390/jrfm12010010>
- PBoC. (2021). *RMB Internationalization Report*. The People's Bank of China.
- Reuters. (2023, September 29). US dollar share of global currency reserves stays flat in second quarter, IMF says. *Reuters*.
<https://www.reuters.com/markets/currencies/us-dollar-share-global-fx-reserves-stays-flat-q2-imf-2023-09-29/>
- RMB Tracker. (2023). *RMB Tracker: Monthly reporting and statistics on renminbi (RMB) progress toward becoming an international currency*. Swift. <https://www.swift.com/about-us>
- Sjoholm, F. (2023). The Belt and Road Initiative: Economic Causes and Effects. *Asian Economic Papers*, 22(1), 62–81.
https://doi.org/10.1162/asep_a_00861

Da li je de-dolarizacija neumitna?

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Sažetak

Oslanjanjem na relevantne studije međunarodno referentnih ekonomista, uz korišćenje metoda analize sadržaja, sinteze i komparacije, pratimo proces de-dolarizacije, odnosno fenomen uspostavljanja nove ravnoteže snaga u svetskom finansijskom poretku. Osnovna intencija rada je da ukazivanjem na institucionalne i ostale barijere za internacionalizaciju glavnog pretendenta za status globalne valute, kineskog renmimbija, projektujemo buduće pravce međunarodne monetarne politike. Cilj rada je i pružanje smernica kreatorima domaće ekonomske politike u kontekstu povećanog značaja ne-zapadnih valuta, i posledično potrebe za rebalansiranjem domaćih deviznih rezervi i stvaranje neophodne infrastrukture za povećanu upotrebu kineske monete na domaćem deviznom tržištu. Zaključujemo da je, i pored izvesnog slabljenja globalnog značaja američke monete — posebno od početka 2022 — proces de-dolarizacije u inicijalnoj fazi, te da bi mogao potrajati decenijama. Naime, da bi se formirao multilateralni valutni sistem neophodno je, imajući u vidu trenutni hegemonski status dolara, snažno povećavanje upotrebe drugih moneta. To se odnosi na kreditiranje svetske trgovine, gde se vidi najveći napredak juana, ali i na važnije domene kao što je alociranje deviznih rezervi centralnih banaka, denominacija hartija od vrednosti, te fakturisanje finansijskih transakcija u bilateralnim trgovinskim i drugim aranžmanima.

Ključne reči: de-dolarizacija, globalni monetarni poredak, finansijske transakcije, devizne rezerve, juan, centralne banke.

Michel Maffesoli: Between Civilizational Crisis and Soft Totalitarianism, a Look at Today's France, Both Conflictual and Communitarian

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Article Information•

Research Article • UDC: 316.4.054:321.01(44)

Volume: 21, Issue: 1, pages: 144-162

Received: October 14, 2023 • Accepted: December 13, 2023

<https://doi.org/10.51738/Kpolisa2024.21.1r.144t>

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We have no known conflict of interest to disclose.

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• Cite (APA):

Tournois, L. (2024). Michel Maffesoli: Between Civilizational Crisis and Soft Totalitarianism, a Look at Today's France, Both Conflictual and Communitarian. *Kultura polisa*, 21(1), 144-162, <https://doi.org/10.51738/Kpolisa2024.21.1r.144t>



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Abstract

Sociologist, Professor, and, among other positions, holder of the “Emile Durkheim” chair at the Sorbonne, and director of the Center for Research on the Imaginary, Michel Maffesoli is an essential personality in the French academic-media landscape. Although he is often contested as a scientist, he nonetheless remains an enlightened observer of postmodernity and his socio-political analyzes on various themes linked to societal developments remain references with strong prophetic value, whatever his detractors may say. In his essay *The era of uprisings* (Maffesoli, 2021), he is a critical observer of the growing divorce between political-media elites and French citizens which is manifested by the multiplication of protest movements. This thesis leads us to go beyond conventional interpretations of poverty or inequalities in order to understand the extent of the civilizational crisis we are experiencing and the transition to after-modernity. The latter serves as a preamble to a denunciation of ‘soft totalitarianism’ and the rejection of human finitude which are rampant today in France since the Covid-19 pandemic. Furthermore, and perhaps paradoxically, it fuels ‘the trial of utopian imagination’ (Wunenburger, 1978) while calling for the revival of a revolutionary spirit. This review essay aims at 1) putting the author's arguments into perspective with previous but also current works in order to gain impartiality, and 2) comparing the achievements of the work with socio-political aspects touched upon or even ignored, this which makes it possible to extend the political and social scope of the analysis.

Keywords: Protest movements, civilizational crisis, soft-totalitarianism, scientism, communitarianism, France

Michel Maffesoli: Between Civilizational Crisis and Soft Look at Today's France, Both Conflictual and Communitarian

Since Emmanuel Macron's first mandate, ordinary citizens, journalists, political figures and experts have witnessed the acceleration and hardening of reactionary times in France. From the Yellow Vest movement or 'November 17 movement' [2018] and its repression, to the refusal by a significant part of the population of restrictions on freedoms imposed by public authorities through the 'health pass' until the social movements against pension reform, the French case testifies to a dialogue that has become impossible between the people and the elites. Is this conflict situation new? Faced with the multiplication of protest radicalism and its brutal repression, it has become common to search for similar events in (recent) history in order to have a framework for analysis.

Due to the intensity of their violence, both real and symbolic, the marginalization of opposition currents and the growing denial of democracy, the current socio-political phenomena seem to baffle the so-called classical (read modern) frameworks. Because of its nature, outside any political or union structure, and its diffusion beyond national borders, the yellow vest has become a global symbol of the ongoing transformations in the expression of social conflicts (Comment l'imaginaire révolutionnaire, 2019) and the revolutionary imagination inherited from the 1789 Revolution. Facing the specter of a resurgence of 'revolutionary barbarities,' state violence aimed at maintaining order was expressed, certainly in no way comparable to that which repressed the Paris Commune in 1871, in a disproportionate or even regressive manner in the sense of a return "to a previous political state" (Autour du livre, 2023), a behavior although unsuitable for maintaining order as it has been underlined by nonprofit organization such as Amnesty International.

It is this dynamic and this singularity that Michel Maffesoli, sociologist of the imaginary and post-modern tribes, explores and deciphers in *L'ère des soulèvements* [*The era of uprisings*] (Maffesoli,

2021). This essay is part of the critical trend of progressive capitalism (let us call it 'postmodern'), sited somewhere between books such as *Révolte contre le monde moderne* [*Revolt against the modern world*] (Evola, 1934) and *The shock doctrine – The rise of disaster capitalism* (Klein, 2007) or even, and this is more surprising given the background of the authors¹, of *Et si les salariés se révoltaient?* [*What if employees rose up?*] (Artus & Virard, 2018).

Whether he is portrayed as a pamphleteer or a polemicist, the author, in this socio-political analysis of the profound changes taking place in French society, unravels how the political media elite governs growing 'anger and divergence' with the people. Wielding the image of 'the Palace and the public square' (Landi, 2011) used by Nicolas Machiavelli during the Florentine Renaissance, he interprets protest movements as a symbol of a disconnection between instated power and popular power. It is worth remembering that, during the Roman Republic, as a sign of opposition to the established order, patricians seceded groups of citizens by leaving the city. Today, the Yellow Vest approach retains the same symbolism by occupying roundabouts outside urban areas. Then, while participation in the democratic game was refused to them during the pension reform, the informal exercise of power by the plebs moved to the city centers with the consequences known to all.

At first glance, *The era of uprisings* may seem confusing without a clear structure. In fact, there is no point looking for one. The development of the author's thoughts is done through a *lectio divina* (La *lectio divina*, 2023) mixing observation and reflection to end with a 'prayer' addressed to the people to demonstrate their refusal of a logic of domination. To the calculating thinking specific to current elites,

¹ Patrick Artus is a French economist, director of research and studies at Natixis and director of Total. In the context of the European migration crisis, he supports immigration which he considers to be a source of potential growth. He also advocates budgetary austerity. While his predictions preceding the subprime crisis turned out to be erroneous, he anticipated the beginning of deglobalization of the economy during the Covid-19 pandemic which it relates to the crisis of neoliberalism. Marie-Paule Virard is a journalist specializing in economics. In the past, she was editor-in-chief of the magazine Enjeux-Les Echos.

he opposes meditative thought or “rumination” inspired by Heidegger, “a societal rhapsody somehow” (Maffesoli, 2021, p. 14). As with *The Time of the Tribes*, the prophetic value of the analysis should not be underestimated. It is therefore not an academic exercise because if the author offers a certain number of keys to understanding, it is up to the reader to make an intellectual effort to comprehend things that may seem difficult to seize at first. Consequently, this led me to choose a slightly different approach from traditional book reviews. His in-depth reflections are put into perspective not only with the central themes addressed in other works, such as *Le Temps des tribus: le déclin de l'individualisme dans les sociétés de masse* [*The time of the tribes: the decline of individualism in mass societies*] (Maffesoli, 1988), *Logique de la domination* [*Logic of domination*] (Maffesoli, 1976), and *Le temps des peurs* [*The time of fears*] (Maffesoli, 2023) but as well as interviews carried out especially during the Yellow Vests’ episode (Maffesoli, 2019) and on behalf of various think tanks and online magazines, as well as a certain number of previous works aiming to objectify his statements.

This review comprises five sections. The first one discusses what Maffesoli understands by civilizational crisis, a preamble to entry into ‘after-postmodernity’. The second and third examine how the French ruling elite staged ‘soft totalitarianism’, which is so characteristic of after-postmodernity. The author views soft totalitarianism as an updated alteration of what everyone names ‘politically correct’. The fourth section examines how the weakening of the democratic base caused a return of communitarianism (that of the tribes) and its protest expression—the uprisings. The concluding remarks end this review essay by discussing the ins and outs of the author's half-silent call to revive a revolutionary ideal.

Civilizational crisis and change in societal values

Through the current protest movements that must be overcome in order to figure out the scale of the civilizational crisis French society is experiencing, Michel Maffesoli invites us to become aware of the

change in societal values which notably materialized during the Covid-19 pandemic: "a civilizational crisis reduced to a health crisis" (Maffesoli, 2021, p. 22). This is a difficult exercise because it would be wrong to equate these "crises" with banal economic and social demands. This thought is not new, but it seems to be a recurring one. From the twenties, René Guénon, a French metaphysician, vaticinated the 'crisis of the modern world' and reduced it mainly to Western civilization. What he interprets as an encouraging sign is that the "belief in 'unlimited progress', which until recently was still considered a sort of intangible and indisputable dogma, is no longer so generally accepted" (Guénon, 1927/2021, p. 9). Given that the author does not clearly explain the content of this paradigm shift, I suggest interpreting it as a double overcoming, that is, from modernity and postmodernity *towards* after-postmodernity.

If one of the foundations of modernity is to offer the individual the possibility of defining the standards of their existence for themselves (Guillaud, 2005), then the (management of the) pandemic and its procession of security measures symbolize the abandonment of this state of mind. As matter of fact, this is only the umpteenth stage of the 'security hysteria' (Mucchielli, 2008) that began around fifteen years ago, materializing the end of modernity through an increasing imprisonment of individuals in extensive and multiform social dependencies, which often equates to violence over these individuals (see more: Bjelajac & Matijašević, 2013). On the other hand, paradoxically, the universal nature of the health crisis will deny man any idiosyncrasy (it will be sanctioned) and will impose on him a certain number of standards of behavior 'for the good of all.'

In essence, the spirit of after-postmodernity is characterized by a loss of autonomy (one of the new societal values). Therefore, the multiplication of popular uprisings must be understood as acts of resistance by which an individual refuses to see his reality and principles determined by an external authority. Here, it is contended that the use of the term 'real' reflects the influence of the story on the existence of individuals. This argument is also found in Alexis Haupt's recent works (e.g., Haupt, 2023) for whom the radical change in

society underway, what he describes as a 'pharmaco-punitive society', "deprives the citizen of having control over his body".

While individualism and universalism were the two fundamental characteristics of modernity, as a historical operation of social and individual liberation (Renaut, 1989), the current period consecrates a universalism, understood as a globalism (in the sense of materialism) and not as a receptacle of superior and transcendental values, without individualism, that is to say that man would lose a 'humanity' carrying the right and the aspiration to happiness, in addition to human alienation that occurred as a consequence of technological changes (see more: Bjelajac, 2014), then opening the door to all forms of totalitarianism (Citot, 2005) that Michel Maffesoli has described as "soft" during the pandemic episode.

Theatricalization of public discourse, denial of democracy, and the manufacture of consent

The instrumentalization of trauma by governments to weaken the resistance of society is an inherited idea. According to the journalist, committed essayist, and anti-globalization activist Naomi Klein, this 'recipe' or politico-economic doctrine was applied by authoritarian regimes, whether in Chile in the 1970s, in China at the end of the 1980s, in Russia in the 1990s, or even in the United States following the attacks of September 11, 2001, which involves relying on a major collective trauma, which hinders or temporarily suspends the application of democratic principles (Klein, 2007) in order to promote the implementation of structural reforms relating to education, health, market economy, security, etc.

This process and its different modalities of historical expression, sometimes openly violent and sometimes soft, takes on complex forms that Michel Maffesoli explored in *Après la modernité? – La logique de la domination, la violence totalitaire, la conquête du présent* [After modernity? – The logic of domination, totalitarian violence, the conquest of the present] published in 2008 (Maffesoli, 2008). Today, he uses the shock metaphor by applying it to the Covid-19 pandemic.

In this context, the author deciphers how the political elite governed the pandemic by applying one 'system of forces to another'... with the support of a large part of French citizens. The health shock which was, with its political, economic, and social dimensions, presented as a threat generated fear among leaders as well as citizens and generated destructive consequences, particularly towards 'living together.'

Then, how can this 'soft totalitarianism' so characteristic of after-postmodernity be staged? Through the dramatization of public discourse, the use of a narrative schema resulting from the conduct of war, with the support of experts, medical and non-scientific, and the media in general, the latter little or no questioning the decisions taken. To return to the older theme of 'the manufacture of consent,' the arguments developed aimed to falsify the representation that individuals had of the crisis, renamed 'health war,' through a set of common practices marked by extreme partiality of the media in the treatment of international events, and above all inherent to the functioning, management and financing of the media industry, all trends combined, in a market economy (Hermann & Chomsky, 2020). It is notable that, although not expressly addressed by the author, this 'health dictatorship' as some have called it (e.g., Amossy, 2023; Schlegel, 2021) went far beyond the mere verbal dimension: French government used the pandemic to weaken human rights conditions and undermine accountability systems to the extent that (this 'process' started after the attacks of 2015) "the state of emergency regime ultimately became common law" (Saidi-Cottier & Ferey, 2020, p. 2).

It is therefore a question of building, for ordinary citizens, a narrative of national and international health issues and their constraints rather than allowing them to base their judgment on a multiplicity of sources so that they do not construct their own representation of the situation, the fear of the pandemic leading to "a psycho-pandemic of worrying appearance" (Maffesoli, 2021, p. 20). The author interprets this phenomenon as the ongoing decadence of modern values - notably that of a quantitative conception of life—which has the sole aim of allowing the 'political-media oligarchy' to remain in power by overplaying the fear of illness. However, the author goes

further because the anathema also concerns individuals who, under the pretext of being protected, have accepted submission or domination, a process symbolizing the 'totalitarian violence of power'. Indeed, the author's other argument is that, during the pandemic, this quest for freedom was accompanied by a deeper renunciation that he analyzed through the prism of the negation of the natural cycle of life.

The return of scientism and the negation of the natural cycle of life

In this period of civilizational crisis, the fear of death and of life itself, or rather the denial of the risk inherent in existence (that is, the rejection of human finitude), is in Maffesoli's view the other pillar of after-postmodernity. Furthermore, 'between the lines' lies a criticism of scientism, until now considered as an "ideology of knowledge" (Wikiberal, 2011).

It is again through the presentation of the technocratic and rational management of the pandemic by the public authorities that the author develops one of his main theses: Science (re)becomes the magic formula by which political elites, bureaucratic, intellectual, and media are guarantors of the positive organization of the social order. The dominant narrative pattern is that of a science (without being associated with real scientific progress) more than ever allied with the well-being of humanity. Such absolute faith in scientific methods will guide the management of the pandemic and infuse (almost?) "all areas of intellectual and moral life without exception" (Lalande, 2010, p. 960). Following the author is made easy when he observes that the use and diffusion of words or expressions such as 'science', 'scientific', 'scientific committee, and 'trusting science' have become new markers of knowledge that are supposed to be universal.

That kind of knowledge constitutes the basis of a moralizing discourse that, in the name of science in the service of collective well-being, has led to marginalizing or even accusing conspiracy theorists of all those who do not adhere to the common ideology of 'having to be' for Maffesoli. Thus, the progressivism of after-postmodernity has

blurred the boundaries between the scientific and speculative approaches, which is similar to a pseudoscience or ideology (Juignet, 2015). Above all, it has seriously damaged the social cement of living by creating a binary opposition between vaccinated and unvaccinated.

It is then clear that scientific knowledge, or knowledge that cannot claim to be scientific within the meaning of Karl Popper (see Popper, 1974/1981), has very little enabled people to escape ignorance in a field where experimentation is a phase essential to the development of knowledge and is part of life itself. Science has become dogmatic, eliminating any critical attitude or originality, even though these are the roots of all scientific progress. Danger is then substantial of falling into the 'scientific system' of Emile Zola, within which it is enough to "replace the word *doctor* with the word *novelist*, to make my thinking clear and bring it the rigor of a scientific truth" (Laporte, 1894/2012).

Therein, it is indeed a question of civilizational mutation, that is, reorganizing (scientifically) humanity in the sense of Ernest Renan's missionarism (see Petit, 1987), what Karl Schwab and Thierry Malleret call a societal, economic, etc. reset (Schwab & Malleret, 2020). However, faced with the abandonment of hitherto dominant intellectual and social frameworks and the advent of the reign of 'true reason', Michel Maffesoli advocates the return to a modern spirit, a "Promethean humanism", it is to say in an unwavering confidence in the capacity of man to find in himself the foundation of norms and values, as well as access to the truths of this world" (Citot, 2005, p. 39). In truth, he goes further, even if this will only be mentioned in his essay, *The time of fears* (Maffesoli, 2023), by prophesying a return of the community ideal and tradition. It is interesting to note that, if Michel Maffesoli announces a return of tradition, he does not, unlike Julius Evola, refer to the 'sacred'.

From the democratic ideal to the community ideal

In 2019, Michel Maffesoli, accompanied by H el ene Strohl, declared bankruptcy of the elites and the rise of the community ideal

(Maffesoli & Strohl, 2019). The civilizational crisis, or rather democratic in its temporal materialization, was only in its beginnings, but the question of the (non)representation of the elites was seriously posed. The underlying argument is that the power of elites is no longer exercised in the name of a power delegated by the people but through the sole means of violence conceived as unique and legitimate.

The expression, theorized by Max Weber, according to which the State has the 'monopoly of legitimate [physical force] violence', has been brandished in France for several years by political figures and journalists as a means of justifying all the police violence (Escalona, 2023). It has also contributed to many TV shows, political programs, and press articles. Sailing against the tide, Catherine Colliot-Thélène suggests that the current validity of Weber's thesis be discussed "rather than being overused by the pseudo-erudite histrionics of political leaders in need of arguments to justify the repressive excesses of the Republic" (Colliot-Thélène, 2021).

Faced with this politicization and mediatization of a sterile debate opposing those who legitimize police violence to those who stigmatize it, the author subtly does not take sides but explains with pedagogy that power is no longer real—that is to say, irrigated by popular power, but imposed, institutions are no longer a common good and the very expression of this force takes increasingly conflicting forms.

Roundabout blockages, demonstrations against pension reform, and riots following the death of young Nael Merzouk during a road check are all paradigmatic expressions of deregulated popular power (Maffesoli & Strohl, 2023). Expressed in a trivial manner, they sound the death knell for the 'good old days' of unity. Sociologists of imaginary and post-modern tribes symbolize the return of the need to reaffirm differences, linguistic and ideological specificities, gatherings around a common origin, real or mythical, and occupy public space. The latter is perhaps today the only remaining common good, and the locus of a certain opportunism consisting of vandalizing and openly looting city center shops during the riots of June and July 2023, which can be perceived as an ultimate attempt to compensate for the exclusion of the benefits of globalization.

Concluding remarks

Throughout *The era of uprisings* (Maffesoli, 2021), Michel Maffesoli gives a glimpse of the foundations or values of after-postmodernity. As *In the Hollow of Appearances* (Maffesoli, 1990) published more than thirty years ago, the present essay is highly representative of France's upcoming entry into the second quarter of the 21st century. The myths, beliefs, and representations that grounded social cohesion during (post-)modernity no longer operate, and the transition from the democratic ideal to the community ideal is now complete.

If postmodernity was "an important change in our way of being" (Maffesoli, 1990, p. 25), after-postmodernity is just as much, if not more so. This transition period, also called 'reset,' is proving to be a failure in terms of respect for democracy and the fundamental freedoms of citizens. It is even the refutation of "man's affirmation of his basic position" (Citot, 2005, p. 39) the progressive abandonment of autonomy in decision-making.

The individual, however, proves to be little flexible or receptive to statist injunctions also, faced with the "ill will of the people" in the sense of Machiavelli (Nadeau, 2003, p. 344) to comply with health requirements, the confinement decided by the public authorities during the Covid-19 pandemic has perpetuated the organization of movements contesting the legitimacy of the order imposed by 'the castes in power' and has established the basic trend of a gradual shift towards an era of popular uprisings not only in France but also abroad argues the author.

However, today there is no longer a question, as in Antiquity, of mass retreats that the plebs made outside of Rome to obtain political concessions, but of conflicts. Does Michel Maffesoli, like Nicolas Machiavelli before him, see these conflicts, which then opposed the plebs to the nobles (the opposition of social classes is not yet? – visible today) a real engine that would allow the French Republic to remain free and expand? It seems unlikely. This is indeed part of the paradigm shift characteristic of this 'change of civilization'. Here, urban conflicts

end only with the annihilation of an adversary. Peace is only temporary, and ultimately sees the logic of conflict embodied in new political and/or social protagonists. Instead of imploding due to divisions, protests mutate into micro-conflicts with their own underground logics that are difficult to grip but have an ever-increasing force of annihilation, threatening the future of French society.

On the one hand, the author makes a particularly critical judgment on the action of the political power that he considers responsible for it; on the other hand, he suggests supporting this community ideal rather than rejecting it, and even encourages the people to continue to rebel. This is a major change in the author's thought process in terms of understanding new aspects of the current condition of human beings. Michel Maffesoli seems to definitively abandon his plea for the "dignity of the senses" which are both a source of pleasure and the origin of knowledge as the idealized future, mixing classical rationalism and scientism, and abusively restrictive which he invited to refuse thirty years ago is now a reality. On the contrary, there is in a certain way an optimistic, even utopian vision of "organizing a liberating future" (Allaire, 1978) from the *Logic of domination*, a work published in 1976 (see Maffesoli, 1976).

Such position is assumed, but one can deplore that, as a sociologist of the imaginary, the author has not outlined a new way of making connections as the need is felt. Because the socio-political environment is far from the creative impulse of May 1968: when the old authoritarian and conservative world was challenged and disintegrated, slogans nourished by utopia such as "it is forbidden to prohibit" or "Under the paved the beach" have become the pointers of a world to be born. There is also an important contradiction here because, in the present conditions, it is difficult to find a collective imaginary for all these protest movements because, in addition to geographical isolation, different social groups have expressed the need for cultural isolation (Piot, 2002). Risk (should one not speak of fear?) is that of a convergence of hatred of the State and its various manifestations, of capitalism, and, more generally, of the Other.

Let's then accept that in Michel Maffesoli's essay there is no revelation but rather a questioning and an opening towards new reflections concerning notably the delineation (coming from the streets?) of a new social contract against the backdrop of a multiplicity of imaginaries of France, ranging from "peripheral France" (Guilluy, 2015) – by extension a popular, economically and socially fragile France and its links with the Yellow Vest movement – to "underground France" (Scappaticci, 2017) which is a way of telling the story of France's ethnic diversity notably through the Bondy Blog, an online media created after the 2005 riots (Bondy Blog, 2023).

References

- Allaire, B. (1978). Michel Maffesoli; Logique de la domination ; Collection sociologie d'aujourd'hui. Paris: P.U.F., 1976 [Michel Maffesoli; Logic of domination]. *Canadian Journal of Political Science/Revue Canadienne De Science Politique*, 11, 220–223.
- Amossy, R. (2023). "Health Dictatorship" and "Civil Disobedience": Political extremists and French debates on democracy during Covid-19. *Javnost-The Public*, 30, 18-34.
- Artus, P., & Marie-Paule Virard, M-P. (2018). *Et si les salariés se révoltaient ? [What if employees rose up ?]*. Fayard.
- Autour du livre : Le Temps des peurs (2023) – entretien avec Michel Maffesoli par Jean-Marie Seca [Around the book: The Time of Fears (2023) – interview with Michel Maffesoli by Jean-Marie Seca] (2023, July 27). *Le Courrier des Stratèges*. <https://lecourrierdesstrateges.fr/2023/07/24/autour-du-livre-le-temps-des-peurs-2023-interview-avec-michel-maffesoli-et-recension-par-jean-marie-seca/>
- Bjelajac, Ž. (2014). Alijenacija čoveka u eri naučnotehnološkog razvoja i globalizacije kao uzrok porasta i raznolikosti organizovanog kriminala [Human Alienation in the Era of Scientific and Technological Development and Globalization as a Cause of

- Increase and Diversity of Organized Crime]. *Kultura polisa*, 11(25): 385–396.
- Bjelajac, Ž., & Matijašević, J. (2013). Nasilje kao oblik socio-patološkog ponašanja [Violence as a Form of Sociopathological Behavior]. *Kultura polisa*, 10(22): 409–425.
- Bondy Blog (2023). Qui sommes-nous ? [Who are we?]. *Bondy Blog*. <https://www.bondyblog.fr/>
- Citot, V. (2005). Le processus historique de la modernité et la possibilité de la liberté (universalisme et individualisme) [The historical process of modernity and the possibility of freedom (universalism and individualism)]. *Le Philosophoire*, 25(2), 35–76. <https://doi.org/10.3917/phoir.025.0035>
- Colliot-Thélène, C. (2021). Violence policière, violence d'État [Police violence, State violence]. *Savoir/Agir*, 55(1), 33–39. <https://doi.org/10.3917/sava.055.0033>
- Comment l'imaginaire révolutionnaire français perdure à travers le mouvement des Gilets Jaunes [How the French revolutionary imagination endures through the Yellow Vest movement]. (2019, August 9). *LVSL*. <https://lvsl.fr/comment-limaginaire-revolutionnaire-francais-perdure-a-travers-les-mouvements-gilets-jaunes-dans-le-monde/>
- Escalona, F. (2023, April 1). "Monopole de la violence légitime": La foire aux contresens ["Monopoly of legitimate violence": The fair of misinterpretations]. *Mediapart*. <https://www.mediapart.fr/journal/politique/010423/monopole-de-la-violence-legitime-la-foire-aux-contresens>
- Evola, J. (1934). *Révolution contre le monde moderne* [Revolt against the modern world]. Paris : L'Âge d'homme.
- Fougeyrollas, P. (1991). *Michel Maffesoli; Au creux des apparences. Pour une éthique de l'esthétique ; Paris : Plon, 1990* [In the hollow of appearances. For an ethics of aesthetics ; Paris: Plon, 1990]. *L'Homme et la société, Théorie du sujet et théorie sociale*, 101, 149–151.

- Guénon, R. (1927/2021). *La crise du monde moderne* [*The crisis of the modern world*]. République des Lettres.
- Guillaud, F. (2005). La modernité : Crise d'adolescence de l'humanité ? [Modernity: Humanity's adolescent crisis ?]. *Le Philosophoire*, 25(2), 77-88. <https://doi.org/10.3917/phoir.025.0077>
- Guilluy, C. (2015). *La France périphérique. Comment on a sacrifié les classes populaires* [*Peripheral France. How we sacrificed the working classes*]. Flammarion.
- Hermann, E., & Chomsky, N. (2020). *Fabriquer un consentement: La gestion politique des médias de masse (Edition française)* [*Manufacturing consent: The political economy of the Mass media (French edition)*]. Investig'Action. Kindle Edition.
- Haupt, A. (2023). *De la société pharmaco-punitive au crédit social* [*From the pharmaco-punitive society to social credit*]. Kindle Edition.
- Juignet, P. (2015). Karl Popper et les critères de la scientificité [Karl Popper and the criteria of scientificity]. *Philosophy, science and society*. <https://philosciences.com/112>
- Klein, Naomi. (2007). *The shock doctrine: The rise of disaster capitalism*. Macmillan.
- La *lectio divina* ou lecture priante de la Bible [*Lectio divina* or prayerful reading of the Bible] (2023). *Paroisse Dinard-Pleurtuit*. <https://paroissedinardpleurtuit.fr/la-lectio-divina/>
- Lalande, A. (2010). *Vocabulaire technique et critique de la philosophie* [*Technical and critical vocabulary of philosophy*]. P.U.F., coll. "Quadrige".
- Laporte, A. (1894/2012). *Émile Zola, l'homme et l'œuvre: Le naturalisme ou l'immortalité littéraire ; Suivi de la bibliographie de ses ouvrages et de la liste des écrivains qui ont écrit pour ou contre lui* [*Émile Zola, the man and the work: Naturalism or literary immortality ; Followed by the bibliography of his works*

and the list of writers who wrote for or against him] . Gautherin.
Nabu Press.

Landi, S. (2011). Opinions et conflits : Une relecture des histoires de Florence de Machiavel [Opinions and conflicts: A rereading of Machiavelli's stories of Florence]. *Revue Française d'Histoire des Idées Politiques*, 33(1), 137–162.

<https://doi.org/10.3917/rfhip.033.0137>

Maffesoli, M. (1976). *Logique de la domination* [Logic of domination]. Paris : P.U.F.

Maffesoli, M. (1988). *Le temps des tribus : Le déclin de l'individualisme dans les sociétés de masse* [The time of the tribes: The decline of individualism in mass societies]. Méridiens-Klincksieck.

Maffesoli, M. (1990). *Au creux des apparences. Pour une éthique de l'esthétique* [In the hollow of appearances. For an ethics of aesthetics]. Plon.

Maffesoli, M. (2008). Après la modernité ? – Logique de la domination, la violence totalitaire, la conquête du présent [After modernity? – The logic of domination, totalitarian violence, the conquest of the present]. CNRS éditions.

Maffesoli, M. (2019, January 8). Gilets jaunes : les ronds-points, cet «Aventin» moderne [Yellow vests: roundabouts, this modern "Aventine"]. *Le Point*. https://www.lepoint.fr/debats/gilets-jaunes-les-ronds-points-cet-aventin-moderne-08-01-2019-2284014_2.php

Maffesoli, M., & Strohl, H. (2019). *La faillite des élites : La puissance de l'idéal communautaire* [The bankruptcy of elites: The power of the community ideal]. Les Editions du Cerf.

Maffesoli, M. (2021). *L'ère des soulèvements* [The era of uprisings]. Les Editions du Cerf.

Maffesoli, M. (2023). *Le temps des peurs* [The time of fears]. Les Editions du Cerf.

- Maffesoli, M., & Strohl, H. (2023, August 6). Michel Maffesoli & H el ene Strohl – Soul evements vers l’id eal communautaire – Tribune pr esent ee par le Cercle Maupeou de Montpellier [Michel Maffesoli & H el ene Strohl – Uprisings towards the community ideal – Tribune presented by the Cercle Maupeou of Montpellier]. *Le Cercle Aristote*. <https://circularistote.fr/michel-maffesoli-helene-strohl-soulevements-communautaire-tribune-cercle-maupeou/>
- Mucchielli, L. (2008). *La fr en sie s ecuritaire. Retour   l’ordre et nouveau contr ole social* [The security hysteria. Return to order and new social control]. La D ecouverte.
- Nadeau, C. (2003). Machiavel, domination et libert e politique [Machiavelli, domination and political freedom]. *Philosophiques*, 30(2), 321-351. <https://doi.org/10.7202/008644ar>
- Petit, A. (1987). Ernest Renan : Militant des humanit es [Ernest Renan: Humanities activist]. * tudes Renaniennes*, 69, 3-22. <https://doi.org/10.3406/renan.1987.1352>
- Piot, F. (2002). *L’Id eal communautaire, mythe fondateur et utopie cr eatrice : Essai de mythosociologie* [The Community Ideal, founding myth and creative utopia: Essay on mythosociology]. Doctoral Dissertation, Paris 5.
- Popper, K. (1974/1981). *Autobiographie intellectuelle de 1974: La qu ete inachev ee* [Intellectual autobiography of 1974: The unfinished quest]. Presses Pocket.
- Renaut, A. (1989). *L’ re de l’individu. Contribution   une histoire de la subjectivit e* [The era of the individual. Contribution to a history of subjectivity]. Biblioth eque des id ees, Gallimard.
- Saidi-Cottier, N., & Ferey, M. (2020, December 4). 5 ann ees de lois liberticides en France []. Journee Internationale des Droits de l’Homme. <http://aadh.fr/wp-content/uploads/2020/12/5-anne%CC%81es-de-loi-liberticides-en-France.pdf>

- Scappaticci, E. (2017, February 21). *Minute* : la séquence bons sentiments de Mehdi Meklat [Minute: the good feelings sequence of Mehdi Meklat]. *Le Figaro/Culture*.
<https://www.lefigaro.fr/livres/2017/02/21/03005-20170221ARTFIG00330--minute-la-sequence-bons-sentiments-de-mehdi-meklat.php>
- Schlegel, J-L. (2021). Vers une dictature sanitaire ? [Towards a health dictatorship?]. *Esprit*, October. <https://esprit.presse.fr/actualites/jean-louis-schlegel/vers-une-dictature-sanitaire-43592>
- Schwab, K., & Malleret, T. (2020). *Covid 19, The great reset*. Forum Publishing.
- Wikiberal (2011, December 6). Les dangers du scientisme [The dangers of scientism]. *Contrepoints*.
<https://www.contrepoints.org/2011/12/06/59194-les-dangers-du-scientisme>
- Wunenburger, J-J. (1978). *L'utopie ou la crise de l'imaginaire* [Utopia or the crisis of imagination]. FeniXX.

Classifying John Stuart Mill's Religious Beliefs – Was Mill a Religious Sceptic?

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Article Information•

Research Article • UDC: 316.647:2 Mil Dž. S

Volume: 21, Issue: 1, pages: 163-180

Received: December 11, 2023 • Accepted: February 13, 2024

<https://doi.org/10.51738/Kpolisa2024.21.1r.163b>

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We have no known conflict of interest to disclose.

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• Cite (APA): Brišček, A. (2024). Classifying John Stuart Mill's Religious Beliefs – Was Mill a Religious Sceptic? *Kultura polisa*, 21(1), 163-180, <https://doi.org/10.51738/Kpolisa2024.21.1r.163b>



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Abstract

This paper seeks to provide context in the effort to accurately classify the religious views of John Stuart Mill. The philosopher, not commonly known for his thoughts on religion, has nevertheless contributed to this topic with his three posthumously published essays, titled *Three Essays on Religion*, which have sparked some controversy and prompted various interpretations since they were first published in 1874. Mill's many interpreters have used differing terms in order to describe him in respect to his religious thinking. He has been described as a militant apostle, as an atheist, a theistic humanist, an agnostic, while Mill himself, in his writing, has provided an alternative, by speaking about religious scepticism as the most pertinent attitude for a rational thinker. Each of these terms is discussed separately in this paper, as the merits and suitability of using any of these terms is considered, with reference to the wider context of interpretative texts, Mill's own writings, and correspondences.

Keywords: philosophy, history of ideas, religion, John Stuart Mill, scepticism

Classifying John Stuart Mill's Religious Beliefs – Was Mill a Religious Sceptic?

Introduction

It is a little known fact, even amongst those who are familiar with the name John Stuart Mill, or even some of his work, that the philosopher had any religious belief at all. Indeed, as he writes in his autobiography "I am thus one of the very few examples, in this country, of one who has not thrown off religious belief, but never had it" (Mill, 2009a, p. 43). As he is famous for his other writings, which, at least on the surface, have nothing to do with religion, he is seldom mentioned as an important contributor respecting this particular topic. Yet, even though he is not as known for it, he has devoted a significant amount of his thinking to the subject of religion, and some of these thoughts were posthumously published under the name *Three Essays on Religion* (Mill, 2009b). The essays reveal Mill's complex, ambivalent and comprehensive thinking on religion, that left some of his intellectual circle surprised, perplexed, and even "betrayed" (Sell, 2004, p. 148), just as much as it offended Christian theologians who deemed it an unpardonable heresy. At the very end of the third essay *Theism*, after an exhaustive and earnest scientific examination of the evidence in support of theism, Mill concludes that "the rational attitude of a thinking mind towards the supernatural, whether in natural or in revealed religion, is that of scepticism as distinguished from belief on the one hand, and from atheism on the other" (Mill, 2009c, p. 207). If we were to make a safe inference from that, that when he alludes to a general "thinking mind", he includes himself in that; and provided we also assume that he is being truthful when he writes that, we can conclude that Mill thought of himself as a religious sceptic. There we could conclude the process of classification on the onset, and simply respect the designation Mill had chosen for himself. Some interpreters however, thought that there's more to it than meets the eye in this case. Unwilling to assume that Mill is being truthful, and what's more, thinking that even if he were truthful he is "deficient in self-knowledge,

certainly with respect to his religious convictions and aspirations" (Raeder, 2002, p. 11), Linda Raeder argues that it's best to understand Mill, not as modern secular humanist (as he is often, according to Raeder, mischaracterised), but as a "militant apostle of an intramundane social religion" (2002, p. 2). Others (Hamburger, 1999), similarly suspicious of Mill's intentions and less than convinced about his truthfulness, claimed that the most appropriate description of Mill's beliefs is that of "atheism" (1999, p. 55). Wilford N. Paul tried to coin a new term in his 1972 dissertation, that would best describe Mill's religious belief by calling it "theistic humanism" (Paul, 1972, p. 151). Finally, a number of authors (Ryan, 2016, p. 218; Courtney, 1889, p. 53; Carr, 1969, p. 491; Vernon, 2013, p. 167) have alluded to the term "agnosticism" as something pertinent to describe Mill's beliefs. With such a wide variety of conflicting accounts, it is perhaps worth giving attention to the claims and determining which of the mentioned terms (if any) are in fact applicable to John Stuart Mill, and what's the best way to classify him as a thinker on religion. Whether he is the secular thinker the way it's commonly understood, or if he should be described more precisely, or by another term altogether.

Religious founder and apostle

If we are to take these claims in order of inaccuracy, we ought to start with Linda Raeder's contentions first. She claims that it's wrong to describe Mill as a secular thinker and that we are better off calling him a "militant apostle" of a "social religion" (Raeder, 2002, p. 2). Mill, claims Raeder, was prejudiced against religion (2002, p. 11), "obsessed" with it (2002, p. 66) and saw himself as a "religious founder" (2002, p. 6). Raeder does her utmost to paint Mill in a negative light, and such is the extent of her gripe with him, that she devotes a whole chapter to polemics with, because some of his writings "demand" (2002, p. 2) a critical response. It's a curious paradox, that even though her book is lengthy and well researched, none of the claims that were just listed are in accord with reality. The root of her error is a common one. It lies in thinking that, when Mill proposes a

"Religion of Humanity" he is using the word "religion" in a denotative sense of the term. The same mistake has spawned countless terminological chimeras. Some authors call it a "secular religion" (Vernon, 2013, p. 174; Hamburger, 1999, p. 108), others call it a "civic religion" (Daglier and Schneider, 2007, p. 584), or "godless religion" (2007, p. 587), or "metaphysical humanity" (Malachuk, 2010, p. 137), "naturalistic religion" (Matz, 2000, p. 137), and so on. Colin Heydt has been among the few writers who have pointed out this mistake, albeit rather timidly (in a single footnote).

For Mill, unlike for Comte, the Religion of Humanity has no institutional structure or associated ritual. This distances it further from traditional Christianity (not simply in the form of a doctrine, but as a set of practices) and from its status as a religion at all (rather than as an ethical ideal, which is how I think it should be understood). It is a religion, in other words, only in name (Heydt, 2006, p. 106).

This conclusion is corroborated by Mill's own account. Mill introduces the term "Religion of Humanity" in his essay *Utility of Religion*. He gives his own definition of what the "essence" of religion is, and in Mill's words it is "the strong and earnest direction of the emotions and desires towards an ideal object, recognized as of the highest excellence, and as rightfully paramount over all selfish objects of desire" (Mill, 2009b, p. 130). This object however, is not a god, or gods. As he explains earlier "Belief, then, in the supernatural, great as are the services which it rendered in the early stages of human development, cannot be considered to be any longer required" (2009b, pp. 123-124). Instead of the supernatural, Mill points us towards the "idealization of our earthly life, the cultivation of a high conception of what it may be made" (2009b, p. 127). We should set our sight on the "ideal good, and the progress of the world towards it" (2009b, p. 135). The object that would ennoble our conduct and "exalt the feelings" for Mill is humanity. Having no element of a belief in god, no institutional structure, and no associated ritual, what Mill calls "Religion of Humanity" is not in fact a religion. Mill's contemporary and ideological adversary James Fitzjames Stephen was quick to point this out as early

as 1874. " 'Love all mankind.' Influences are at work which at some remote time will make men love each other. These are respectively a piece of advice and a prophecy, but they are not religions" (Stephen, 1991, p. 243).

Mill was fully aware that he is not using the term religion in its denotative sense, and even admitted as much in his essay *Auguste Comte and Positivism*. After elaborating to an English audience for the first time¹ what a religion of humanity might entail, he stressed "When we say that M. Comte has erected his philosophy into a religion, the word religion must not be understood in its ordinary sense" (Mill, 1969, p. 332). From a contemporary perspective, the ordinary meaning of the term religion is the dictionary definition of it. Mill defined his own meaning, as philosophers often do, and this second meaning is from our perspective connotative. However, Mill thought his own meaning to be just as legitimate, and even superior to the ordinary meaning of the term. In a manuscript of a letter that he had sent to Arthur Helps in 1847 he writes "I do not believe that lofty character is in these times consistent with the utter prostration or indolence of intellect requisite for belief in the low puerilities which now usurp the name of religion" (Mill, 1963, p. 2001). In other words, he believed that what's commonly understood as religion usurps the name from a more worthy candidate, which is his own idiosyncratic meaning. Once we realize that when he writes „Religion of Humanity" he really means something much closer to what we might today call "secular humanism", and not religion, every satellite term such as "apostle" and "religious founder" should dissipate accordingly.

At least part of the reason why a number of authors have decided to ignore all this and continue to come up with new ways to describe Mill's supposed "religion" has to do with the fact that Mill borrows the term "religion of humanity" from Auguste Comte, who really did conceive something like a quasi-religion under that name. However, Mill has denounced Comte in *Auguste Comte and Positivism*

¹ Even though *Utility of Religion* was completed in 1854, an English audience could not have read it until it was published in 1874.

in no uncertain terms. He described the ritualistic elements in Comte's system as "ludicrous" (Mill, 1969, p. 341), accused Comte of having a "mania for regulation" (1969, p. 343), and making the "same ethical mistake as the theory of Calvinism, that every act in life should be done for the glory of God, and that whatever is not a duty is a sin" (1969, p. 337). Mill was "appalled" by the way Comte proposed to use the authority of the high priest, describing it as "horrific" and "the most warning example we know, into what frightful aberrations a Powerful and comprehensive mind may be led by the exclusive following out of a single idea", saying that what was recommended to us by Comte is "subjugation and slavery" (1969, p. 351). As Mill himself has not laid out any kind of comprehensive system in his writings on religion, or proposed a ritual of any kind or advanced any notion of a clergy, or dogma, coupled with this most vehement rejection of Comte, it is important to understand that the two philosophers don't mean the same when they employ the term "religion of humanity". With that in mind, any notion of Mill as religious (in any sense of the term but his own) should wither away.

Was he a theist?

An original approach in classifying Mill as a religious thinker came from Wilford N. Paul who argued that the spectrum of belief should be expanded so as to include an additional category, that of "theistic humanism" (Paul, 1972, p. 151) to which Mill belongs. "If we think of our hypothetical 'credence thermometer' having four divisions--atheism, agnosticism, hope and belief – Mill scores in hope" writes Paul, and in Paul's view hope is "desire with expectation" (1972, p. 154). He makes a distinction between hope (a mere wish) which constitutes only a possibility and "hope proper" (1972, p. 159), which belongs to the realm of probability and is based on evidence. Since Mill turned to examining the evidence in his essay *Theism*, and had even found evidence in support of a creator, his belief, his level of credence, is best described as theistic humanism. Paul admits, in a rather self-defeating admission that "Mill did not believe", but he "wanted to" (1972, p. 169). Based on

this desire to believe we should class him as a theist. There are at least two major objections to be raised against the claims that Wilford N. Paul makes. In the first, It's hard to understand how hope and desire, even if we grant that they are in Mill's case present, are relevant to the discussion about belief. Paul's postulates a hypothetical credence thermometer, which he himself fashioned for the purposes of his own argument, then asks, unironically "what more do we need to justify the conclusion that Mill is a theist?" (1972, p. 154). He treats hope as just another species of belief, and interpolates agnosticism into an ordinal scale of sorts, alongside atheism and hope, even though agnosticism pertains to scientific knowledge, and hope (even though it can sometimes be based on belief) isn't itself a type of belief. The second objection is that the hope of which Paul speaks cannot be attributed to Mill axiomatically. When Mill writes "the whole domain of the supernatural is thus removed from the region of Belief into that of simple Hope" (Mill, 2009b, p. 208), it is not at all clear that he means to say that he himself is hopeful, or if he simply „allowed“ hopes as Alan Ryan puts it (Ryan, 2016, p. 247), to others.

Was he an agnostic?

As already mentioned, a number of authors have opted to use the term "agnosticism" in relation to John Stuart Mill and his religious views. Various contemporary subdivisions of the term have emerged since it first appeared, including "weak" and "strong" agnosticism (Oppy, 1994, p. 147; Le Poidevin, 2010, p. 9), "temporal", "permanent", and "pragmatic" agnosticism (Lane, 2011, p. 213), "tentative" agnosticism (Barnes, 2003, p. 3) and so on, but the term's originator is Mill's contemporary, Thomas H. Huxley, who, by his own admission (Huxley, 1892, pp. 354–357) coined it in 1869, when he was a member of the Metaphysical society, which Mill refused (Mill, 1972d, p. 1583) to join. As Huxley didn't commit his coinage to print until much later², and Mill never mentioned the term, either in his writings

² Huxley's first published writing which contained the term agnosticism is his book *Hume* from 1878.

on religion or his letters, it is doubtful that Mill was cognisant of it. Huxley devised the term to counter and be antithetic to the "gnostic" of Church history who "professed to know much" (Huxley, 1892, p. 356) about the things he was much less sure of. As he explains "agnosticism, in fact, is not a creed, but a method", and the essence of that method lies in the application of a single principle, which is also the "axiom of modern science" (1892, p. 362). This principle, when expressed positively, is that "in matters of the intellect [you should] follow your reason as far as it will take you without regard to any other consideration", and when expressed negatively it is that in matters of the intellect one mustn't "pretend that conclusions are certain which are not demonstrated or demonstrable" (1892, p. 362). By demonstrable, Huxley means scientifically proven, as implied a couple of sentences later when he writes "that which is unproven to-day, may be proven by the help of new discoveries to-morrow" (1892, p. 363). He restated this definition more tersely to make "amends for any ambiguity" (1892, p. 457), in his essay *Agnosticism and Christianity*. As Huxley writes, the principle of agnosticism is that "it is wrong for a man to say that he is certain of the objective truth of any proposition unless he can produce evidence which logically justify that certainty", and, he adds "it is all that is essential to agnosticism" (1892, p. 450). Even though Huxley refers to both Hume and Kant as exemplary agnostics, he doesn't go as far as Kant in setting a ceiling to knowledge, by determining what can and cannot be known. The extent of the region of the uncertain will vary with each individual, but Huxley points out "I do not very much care to speak of anything as 'unknowable' " (1892, p. 451).

Knowing all this, the question is, whether John Stuart Mill was, according to Huxley's definition - an agnostic? The answer to this has to be a most resounding yes. Huxley could easily have listed him among the other two exemplars of agnosticism he cited. The scientific method underpinned Mill's entire philosophical enterprise. He was championing the principles of logic and the scientific method even in works that weren't directly related to it. His entire argument presented in *Theism* testifies to this fact, and even though he indulged in speculation on the

nature and the attributes of the divinity, he never expressed certainty of the kind Huxley was decrying. The only certainty Mill was willing to express in *Theism* was in regards to the example of the human eye. According to Mill, the parts of which the eye is composed must have been brought together by "some cause common to them all" (Mill, 2009b, p. 164). This, as Mill puts it is the "sum and substance of what Induction can do for Theism" (2009b, p.164). He is quick to add though, that this doesn't mean that this cause needs to be god, and mentions "the survival of the fittest" (2009b, p. 165) as another possible explanation that could be the common cause to eyes and sight. The only thing he is willing to say for certain is that there is a common cause. Mill steers clear of proclaiming certainty where he has no evidence that would warrant such certainty, and where there is no certainty he speaks of probability according to evidence. All this is completely in line with the agnostic method that Huxley has outlined. With that in mind, anyone who refers to Mill as an agnostic is not in error.

The only problem with agnosticism is that it's doesn't pertain to belief, but rather demonstrable scientific knowledge. It is an epistemic term. It only tells us how far someone is willing to go in stating his own certitude, but it doesn't tell us what someone believes or even what they don't believe. As George H. Smith argues, agnosticism is not a third alternative to theism and atheism. Theism and atheism refer to the presence or absence of belief in a god, while „agnosticism refers to the impossibility of knowledge with regard to a god or supernatural being. The term 'agnostic' does not, in itself, indicate whether or not one believes in a god. Agnosticism can be either theistic or atheistic" (Smith, 1979, pp. 10-11).

Was he an atheist?

One person who did narrow Mill's religious view down with a more precise term is Joseph Hamburger. In his book *John Stuart Mill: On Liberty and Control* Hamburger baldly states that in "In essays that were put aside for posthumous publication Mill did not conceal his atheism" (Hamburger, 1999, p. 55). Hamburger uses the term atheist

to refer to Mill throughout his book, but in his brief explanation for the suitability of the term, he appears somewhat hesitant. He writes that although the arguments in *Theism* typically were used by atheists "Mill's qualifications, avoidance of dogmatism, and measure of uncertainty at the end of the essay perhaps makes it inappropriate to label him an atheist, especially as he did not call himself one" (1999, p. 51). Furthermore, Hamburger even states that "If an atheist is defined as one who denies the existence of God, Mill cannot be called an atheist, for he made it clear that an atheist, by denying the existence of God, was dogmatic" (1999, p. 51). Despite all that, Hamburger justifies the suitability of the term by saying that "the aggressive, disdainful tone in 'Nature' and 'Utility of Religion' which he left unrevised, and the substantive arguments critical of theistic belief in 'Theism' allow one to say he went far beyond a tepid agnosticism" (1999, pp. 51). In support of the usage of the term, Hamburger also adds a citation from a letter that Mill had sent to Auguste Comte in which Mill says that he had a "rare fate of never having believed in God" (Haac 1995, p. 118). Another argument that Hamburger makes is that Mill „stopped short“ of the conclusion that theistic belief was "utterly groundless" as a "matter of tactics" (Hamburger, 1999, 51). This is one of Hamburger's very convincing arguments as he substantiates it with compelling evidence (1999, pp. 55–86) that Mill, throughout his life practiced concealment, evasion and equivocation in regards to his religious beliefs. Hamburger demonstrates, I think successfully, that Mill practiced a tactic of "blurring" (1999, p. 105) the anti-Christian theme in his writing in *On Liberty*, his famous essay, because the 19th century England was hostile to non-religious opinion, and as Hamburger says, Mill "certainly would have been justified in believing that freethinkers, agnostics, and atheists did not enjoy freedom of religious opinion" (1999, p. 85). The same tactic of being prudent that was used in writing *On Liberty* was again used in *Theism* where, Hamburger says, Mill was being "conciliatory as a matter of tactics" (1999, p. 141). In short, according to Hamburger Mill would have called theistic belief utterly groundless, but he was being conciliatory with his readers, so he didn't.

In the interest of precision, Hamburger's argument can be improved to make a better case in support of his usage of the term atheist. Hamburger says "If an atheist is defined as one who denies the existence of God" then we cannot call Mill an atheist. However, this definition is only appropriate and holds true for dogmatic denial. An important distinction needs to be made between negative atheism and positive atheism. Negative atheism is the "absence of belief in any god or Gods" (Martin, 2006, p. 2). Similarly, Antony Flew argues that negative atheism is an appropriate term for someone who is "simply not a theist", and not someone who "positively asserts the non-existence of God" (Flew, 1976, p. 14). For George Smith, atheism in general isn't a positive belief, "it doesn't assert the existence of anything", it is simply „absence of belief in god" (Smith, 1979, p. 15).

If we are aware of this distinction, one needn't deny the existence of god at all, as Hamburger thinks, to be qualified as an atheist. This is only requisite, if we were to call someone a *positive* atheist.

Oddly enough, even though much of contemporary commentary on the beliefs of various philosophers is seemingly oblivious to this distinction, Mill was well ahead of his time and acknowledged it³. Although Mill recognises the distinction, his understanding of what negative atheism means⁴ is different to the ones cited before. To his mind, negative atheism means thinking that there isn't any evidence on either side. This further means that, because Mill had found evidence for the existence of a creator in the marks of nature, he cannot justify calling his beliefs atheism, and instead opts for religious scepticism.

³ Mill distinguished his own position of scepticism from belief on the one hand, and from atheism on the other "including, in the present case, under atheism, the negative as well as the positive form of disbelief in a God, viz., not only the dogmatic denial of his existence, but the denial that there is any evidence on either side" (Mill, 2009b, p. 207).

⁴ Mill agrees with contemporary writers on what positive atheism is.

Conclusion

We have now reached an interpretative crossroads that leads to several different conclusions.

Firstly, we could simply classify Mill according to a contemporary definition. If we take negative atheism to mean absence of belief in a god or gods, Mill would qualify as a negative atheist, for he is explicit that the evidence he presents in Theism is “insufficient for proof” (2009b, p 207.) and that “the whole domain of the supernatural is thus removed from the region of Belief” (2009b, p. 208). Or, in other words, Mill does not believe. It can be said, on that account that Joseph Hamburger is right in using the term, but for wrong reasons.

Alternatively, we could consider Mill’s own definition. If we are being cynical, we could say that he is hiding under the guise of scepticism because it’s a less contentious term than atheism, and he is simply, in Hamburger’s terms, using tactics to avoid condemnation.

Lastly, we could extend the benefit of the doubt to Mill, and accept his own nomenclature as accurate enough. This, with one important caveat though. Mill states that the reason for deciding that scepticism is the correct attitude, rather than atheism or theism, is that there is evidence. This evidence, which he presents in Theism, however, is something Mill must have found at a much later date compared to his earlier writings. In *Utility of Religion* which was completed⁵ in April of 1854, Mill writes that there is only one⁶ form of belief in the supernatural that „stands wholly clear both of intellectual contradiction and of moral obliquity” (Mill, 2009b, p. 134). However, even though the moral tendency of this belief is for Mill unquestionable, he doesn’t think there is much evidence for it. He says “the evidence for it, indeed if evidence it can be called is too shadowy and unsubstantial, and the

⁵ We know this from a letter (Mill, 1972a, p. 195) that Mill had sent to Harriet Taylor.

⁶ This belief is that which, having rejected, the idea of an omnipotent creator, views Nature and Life as “the product of a struggle between contriving goodness and an intractable material, as was believed by Plato, or a Principle of Evil, as was the doctrine of the Manicheans” (Mill, 2009b, p. 134).

promises it holds out too distant and uncertain" (2009b, p. 135). This belief, according to Mill can be held "in conjunction" with the belief in the religion of humanity, even though it might seem like a belief "not grounded on evidence" (2009, p. 135). It would appear that Mill, at this point in time, had not found any evidence for the limited creator that he would later argue for in *Theism*. The essay *Theism* was written in the winter of 1869 (Packe 1954, 442), but we don't know for certain, *at which point* during the inetrmediate period from 1854(when he didn't have any evidence to offer) to 1869 (when he wrote down the evidence in question), did Mill actually acquire the evidence. Several letters help in this regard. In September of 1860 Mill had sent a letter to Florence Nightingale in which he discussed theology with her. In it he writes "I confess that no religious theory seems to me consistent with the facts of the universe, except (in some form or other) the old one of the two principles " (Mill 1972b, 709). He continues by saying that "there are many signs, in the structure of the universe, of an intelligent Power wishing well to man and other sentient creatures", but then points out that he could also show "not so many perhaps, but quite as decided indications of an intelligent Power or Powers with the contrary propensity" (Ibid). In the same letter, he writes "I tried what I could do with that hypothesis⁷ many years ago", which shows that Mill had grappled with this subject for the longest time. He uses the words "signs" and "indications" and doesn't yet speak of evidence. However, by 1866 this will have changed. In August of that year Mill had sent a letter to Robert Pharazyn, in which he mentions the appearances of contrivance in the universe, saying that a benevolent mind is something that "leans in the direction in which the evidence, though I cannot think it conclusive, nevertheless points" (Mill 1972c, 1195). Here, Mill's argument that we can read in his later work *Theism* seems to be already formulated, and he is at this point talking about evidence. These two letters help us to roughly estimate the moment at which Mill

⁷ The hypothesis as stated by Mill is "that a Perfect Being could do everything except make another perfect being—that the next thing to it was to make a perfectible one—and that perfection could only be achieved by a struggle against evil" (Mill 1972b, 709).

discovered evidence. We can only speculate, but regardless of what we decide on this point, it would seem, that for the longest period of his life (in 1854 Mill was 48), Mill was a negative atheist, even by his own definition of that term. This is something that's worth keeping in mind for an intellectual historian.

Whether the discovery of evidence in the later part of his life, warrants a change in the description of his belief remains the only point of uncertainty. Whether "sceptic" denotes a qualitatively different concept than "negative atheist" as Mill had argued, or if it's a distinction without a difference, which has the sole merit of obscuring a writer from vehemence and revulsion, an indication of no more than the use of "tactics", to borrow a term from Joseph Hamburger.

Whichever way we decide to resolve this uncertainty, it cannot be said that the use of either "agnostic", "negative atheist" or "sceptic" or even "non believer", "freethinker" or "secularist" is grossly inaccurate. The same may not be said of those who use terms like "theist" or "apostle", which are inapplicable to Mill and should be avoided, for all future references.

References

- Barnes, M. H. (2003). *In the presence of mystery: An introduction to the story of human religiousness*. Twenty-Third Publications.
- Carr, R. (1962). The religious thought of John Stuart Mill: A study in reluctant scepticism. *Journal of the History of Ideas*, 23(4), 475–495.
- Courtney, W. L. (1889). *Life of John Stuart Mill*. Walter Scott.
- Flew, A. (1976). *The presumption of atheism, and other philosophical essays on god, freedom and immortality*. Elek Books.
- Haac, O. (1995). *The correspondence of John Stuart Mill and Auguste Comte*. Routledge.

- Hamburger, J. (1999). *John Stuart Mill: On liberty and control*. Princeton University Press.
- Heydt, C. (2006). *Rethinking Mill's ethics: Character and aesthetic education*. Continuum.
- Huxley, T. H. (1892). *Essays upon some controverted questions*. Macmillan.
- Lane, C. (2011). *The age of doubt: Tracing the roots of our religious uncertainty*. Yale University Press.
- Le Poidevin, R. (2010). *Agnosticism: A very short introduction*. Oxford University Press.
- Malachuk, D. S. (2010). Human rights and a post-secular religion of humanity. *Journal of Human Rights*, 9(2), 127–142.
- Martin, M. (2007). *The Cambridge companion to atheism*. Cambridge University Press.
- Matz, L. (2000). The utility of religious illusion: A critique of J.S. Mill's religion of humanity. *Utilitas*, 12(2), 137–154.
- Mill, J. S. (1963). *The Earlier Letters of John Stuart Mill 1812–1848: Volume XII*. University of Toronto Press.
- Mill, J. S. (1969). Auguste Comte and positivism. In J.M. Robson (Ed.), *Essays on Ethics, Religion and Society* (pp. 261-368). University of Toronto press.
- Mill, J. S. (1972a). *The later letters of John Stuart Mill 1849–1855: Volume XIV*. University of Toronto Press.
- Mill, J. S. (1972b). *The later letters of John Stuart Mill 1856–1864: Volume XV*. University of Toronto Press.
- Mill, J. S. (1972c). *The later letters of John Stuart Mill 1865–1868: Volume XVI*. University of Toronto Press.
- Mill, J. S. (1972d). *The later letters of John Stuart Mill 1869–1873. Volume XVII*. University of Toronto Press.
- Mill, J. S. (2009a). *Autobiography of John Stuart Mill*. The Floating press.

- Mill, J. S. (2009b). *Three essays on religion*. Broadview Press.
- Oppy, G. (1994) Weak agnosticism defended. *International Journal for Philosophy of Religion*, 36(3), 147–167.
- Packe, M. S. J. (1954). *The life of John Stuart Mill*. Secker & Warburg.
- Paul, W. N. (1972). *The religious views of John Stuart Mill*. [Doctoral dissertation, University of New Mexico].
- Raeder, L. C. (2002). *John Stuart Mill and the religion of humanity*. University of Missouri Press.
- Ryan, A. (2016). *J. S. Mill*. Routledge.
- Sell, A. P. (2004). *Mill on god: The pervasiveness and elusiveness of Mill's religious thought*. Ashgate.
- Smith, G. H. (1979). *Atheism: The case against god*. Prometheus Books.
- Stephen, J. F. (1991). *Liberty, equality, fraternity*. University of Chicago Press.
- Vernon, R. (2013). J. S. Mill and the religion of humanity. In J. E. Crimmins (Ed.), *Religion, Secularization and Political Thought: Thomas Hobbes to J. S. Mill* (pp. 167-182). Routledge.

Klasifikovanje religijskih uverenja Džona Stjuarta Mila – Da li je Mil bio religijski skeptik?

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Sažetak

Ovaj rad ima za cilj da pruži kontekst u nastojanju da tačno klasifikuje religijske stavove Džona Stjuarta Mila. Filozof, koji nije široko poznat po svojim razmišljanjima o religiji, ipak je doprineo ovoj temi sa svoja tri posthumno objavljena eseja pod nazivom "Tri eseja o religiji". Ovi eseji, objavljeni prvi put 1874. godine, izazvali su kontroverze i podstakli različite interpretacije od tada. Mnogi tumači Mila koristili su različite termine kako bi ga opisali u pogledu njegovog religijskog razmišljanja. Opisan je kao militantni apostol, kao ateista, teistički humanista, agnostik, dok je sam Mil u svojim spisima ponudio alternativu, govoreći o religijskom skepticizmu kao najprikladnijem stavu za racionalnog mislioca. Svaki od ovih termina se posebno razmatra u ovom radu, uz razmatranje zasluga i prikladnosti korišćenja bilo kog od ovih termina, uz osvrt na širi kontekst interpretativnih tekstova, Milove vlastite spise i korespondencije.

Ključne reči: filozofija, istorija ideja, religija, Džon Stjuart Mil, skepticizam

Contracting in the Digital Society – Certain Issues of Significance in Regards to Regulation of Offers and Acceptance of Offers in E-contracts

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Article Information•

Review Article • UDC: 347.441.142/.3:004.738.5

Volume: 21, Issue: 1, pages: 181-201

Received: October 15, 2024 • Accepted: November 7, 2023

<https://doi.org/10.51738/Kpolisa2024.21.1r.181-201sdm>

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We have no known conflict of interest to disclose.

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- Cite (APA): Stojšić Dabetić, J., & Mirković, P. (2024). Contracting in the Digital Society – Certain Issues of Significance in Regards to Regulation of Offers and Acceptance of Offers in E-contracts, *Kultura polisa*, 21(1), 181-201, <https://doi.org/10.51738/Kpolisa2024.21.1r.181sdm>



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Abstract

Digital economy introduces digitization into contract law and contracting practice, creating preconditions for redefining traditional postulates of contract law, through different forms of offering goods and services, electronically and with the usage of new economic and legal terminology, as well as different contracting processes. The paper is focused on special segments of the contractual cycle - the offer and acceptance of the offer, as key elements in the contractual cycle of concluding electronic contracts, and the analysis of their regulation in the context of contracting in a digital society. The offer and acceptance of the offer, as well as the broader context of contracting in the digital society, are presented through a phenomenological analysis, the aim of which is to point out the elements and consequences of the impact of the use of digital technology in contracting. Furthermore, the legal aspects of the offer and the acceptance of offers during the creation of electronic contracts were analyzed and compared with traditional contractual principles using a comparative method, in order to assess the scope of their applicability in modern business conditions, i.e. to indicate the degree of the need for the redefinition of the traditional principles of contract law.

Key words: electronic contract, offer, acceptance of the offer, contracting, digital economy .

Contracting in the Digital Society – Certain Issues of Significance in Regards to Regulation of Offers and Acceptance of Offers in E-contracts

Introductory remarks

Modern economy is defined as digital economy, and is based on electronic commerce (e-commerce), which relies on contracting that increasingly relies on the usage of digital technology. The contract is the basis of legal obligation, the basis of the validity and legitimacy of legal rules, starting from the theories of the social contract, all the way to modern business conditions within the digital society. The functioning of the digital society and the digital economy introduced the process of digitization into contract law and contracting practice, moving it away from the traditional postulates of contract law. The new reality today includes different forms of offering goods and services, electronically and using new economic and legal terminology, as well as different contracting processes. As a result, the courts appear as creators of standards of fairness for consumers in the case of contracts concluded via the Internet, and different forms of online, i.e. electronic trading introduce new ways and standards of evaluating obtaining the consent of the buyer, i.e. the consumer to the transaction. Payment for goods and services in various cryptocurrencies is accepted. Thus, today a trend is being created for digital technology to change the basic postulates of traditional branches of law, including contract law, and two regulatory processes are taking place in parallel - the revision of traditional postulates of contract and other branches of law, on the one hand, and the creation of new, innovative normative solutions on the other side. Especially in terms of adapting legal rules to the new reality of using digital technology, there is a visible reliance on European legal rules, since the European Union has proven to be a pioneer of regulation that monitors and implements digitalization processes in member countries.

Electronic contract is the most significant and fundamental institute of electronic commercial transactions in the wider framework of electronic commerce. In national law, the terms electronic contract, contract in electronic form, digital contract, etc. are usually used. The electronic contract is a novelty in the legal regulation of contractual relations, although it is based on the principles of general, traditional contract law. It includes a contract that legal and natural persons conclude, send, receive, terminate, cancel, access and display electronically, i.e. with the use of electronic means. What is shown to be the specificity of electronic contracts is the legal treatment of their dematerialization, ways of determining the identity of the parties to the contract, verification and authentication of the contract in digital, i.e. electronic form, as well as other security aspects that are conditioned by the digital form of communication during the conclusion of the contract (Grundman, Hacker, 2017, p. 276).

The subject of research in the paper is focused on special segments of the contract cycle - the offer and acceptance of the offer, as key elements in the contract cycle of concluding electronic contracts, and the analysis of their regulation in the context of contracting in a digital society. The offer and acceptance of the offer, as well as the broader context of contracting in the digital society, are presented through a phenomenological analysis, the aim of which is to point out the elements and consequences of the impact of the use of digital technology in contracting. Furthermore, the legal aspects of the offer and the acceptance of offers during the creation of electronic contracts were analyzed and put on a par with traditional contractual principles using a comparative method, in order to assess the scope of their applicability in modern business conditions, i.e. to indicate the degree of need to redefine the traditional principles of contract law.

Contracting in digital society – legal aspects

The specificity of contracts that can be defined as electronic is reflected in the use of digital, i.e., information and communication technology when concluding contracts, in the contract certification

procedure, contract amendments, methods of accepting offers, methods of identification of contractual parties, methods of subsequent modification of acceptances, etc. (Radovanović, 2008, 279–291). Various forms of digital technology (digital platforms, Big Data Analyses, artificial intelligence, blockchain) are used in the contracting phases such as screening of potential contracting parties, formulating contracts, defining contractual obligations and changes, automated application, i.e. execution and interpretation of contracts (Gisler et al., 2000). Drafting and further development of contracts can take place in digital form - via email, internet auction, digital platform, or algorithmically triggered transactions. The content of the contract can be digital, e.g. software or cloud services agreement. Practically, a contract as an instrument for regulating relations, can have a digital form and, at the same time, a digital content, that is, an object. The execution of the contract may be entrusted, in whole or in part, to various forms of digital technology (Grundman, Hacker, 2017, p. 264).

The specificity of the construction of the legal framework concerning the use of digital technology in contracting and electronic commerce is that there is a disproportion in the dynamics of the construction of the legal framework and the actual development of the use of digital technology in everyday life and business. The law, that is, the procedures for creating, adopting and entering into force regulations in internal legal systems cannot follow changes in the modalities and ways of using digital technology. Technological progress is happening much faster than the law can keep up with it. In this sense, in the field of normative regulation, a trend is taking place that is somewhat uncharacteristic for continental European legal systems, namely that judicial practice is becoming a pioneer of normative solutions regarding the use of digital technology (Stojšić Dabetić, Mirković, 2023, p. 37). When a dispute arises, the parties to the dispute have an interest in resolving it as soon as possible, they cannot wait for the construction of a legal framework to protect their interests. In the context of the use of digital technology in contracting, courts, especially in the USA, have had, and continue to have, a significant role, and exert a great influence on other legal systems, in terms of

innovative solutions that can be applied in case of disputes regarding the use of digital technology in contracting.

It is in the interest of the state, society and economic subjects to protect the validity of contracts concluded electronically, that is, that the validity of such concluded contracts cannot be disputed, and this is a basic prerequisite for the development of electronic commerce. Electronic communication during the conclusion of the contract must not be an obstacle to its validity. In other words, electronic communication during the conclusion of the contract cannot be taken as a basis for legal invalidity. This approach is based on the principle of technological neutrality and the prohibition of discrimination, which represent the basic principles of normative regulation in most national laws. Contracts must have the same legal treatment regardless of the technology or media used in their creation or realization, that is, favoring contracts created in a certain way must be prevented (Dukić Mijatović, Mirković, 2022, p.55). It is legally legitimized and recognized that the offer and acceptance of the offer can be made in electronic form. However, the principle of legal recognition of electronic contracts is not absolute. In most national legal systems, contracts concluded with the participation of public authorities or mandatory written form are defined by law. In this sense, if in terms of its quality and legal status the electronic form is not equal to the written form, which is the case in most internal laws, it cannot replace the written form, whether it is provided for by law or by the will of the parties, but exists as a separate, new, form of contract, in accordance with the principle of consensualism. Also, in most national legal systems, the corresponding application of the rules on obligation relations to contracts in electronic form is foreseen. For example, in the case of an electronic contract, the mandatory data and information that the service provider must provide when concluding the contract must be made available in a clear and unambiguous manner. Also, the moment of concluding an electronic contract is considered to be the moment, that is, the time when the offeror receives an electronic message containing the offeree's statement that he accepts the offer. Bearing in mind the specifics of communication via the Internet, the bidder is considered

to have received the message when he can access it, not when he has actually read it (e.g. he is considered to have received the message if it is in his electronic inbox and has not yet been read).

Negotiating, submitting an offer and concluding a contract can be done using the services of the information society, e.g. email. The practice is to use automated software on websites that are used for sales, in which the parameters for receiving orders are pre-set, that is, programmed, and this enables orders to be placed without the seller's knowledge. In such cases, the sale is made through classic adhesion contracts concluded through the website, where the software acts as an electronic representative of the seller. Contracts where declarations of will are made by electronic means can be labeled as reactive in the sense that they require additional communication actions from the contracting parties in order to complete the contract (Stojšić Dabetić, 2023, p.87). It can be a click on a specific field on the web page (clickwrap contracts) which means completing the contracting process or by accessing the web page itself (browsewrap contracts). The acceptance of the offer is at the same time the moment of concluding the contract. Acceptance of an offer can have several modalities in a digital context: by clicking on a specific field on the web page (with an additional step of confirmation with the next click), by filling out a form on the web page or by email.

Electronic contracts, as a legally standardized and new law institute, are usually classified in the area of contract law. Most national legal systems start from the fact that an electronic contract is also an obligation by its legal nature, and obligation law is the natural normative environment for this form of contract. The regulation of electronic contracts also often takes place within the framework of commercial law regulations, that is, regulations dedicated to e-commerce, but still only the normative determination of this type of contract takes place on the basis of traditional principles of contract law. In the context of considering contracting in the digital society, and in connection with the phenomenology of contracting presented earlier, there is a need to consider the level of compliance of contracting practice in the digital society with traditional institutions of contract

law, observed through the key points of a contract cycle. It is clear that digital technology, which is at the very root of electronic contracts and contracting practices in general in a digital society, functions as a very dynamic phenomenon, while law does not have that feature. In other areas that require legal regulation, it has been shown that the law cannot keep up with the speed of development of new forms of digital technology use due to the established procedures from which the legal force and legitimacy of the regulation is drawn. Jurisprudence, as previously pointed out, can to some extent follow the speed of development of digital technology and its impact on law, but it does not have a uniform status as a source of law and its reach is limited. By delving into the scope of the application of traditional institutes and principles of contract law to the practice of contracting in a digital society, the general relationship between law and digital technology is also closely examined, which is of extreme importance because it is quite certain that digital technology is the factor that has the greatest influence on social, and thus legal and economic changes and development. In this context, the peculiarities that electronic contracts show in the modern digital society will be presented in the context of the key points of the contract cycle - offer and acceptance of offers.

Declaration of will – offer and acceptance of the offer in the digital context

Traditional contract law implies that both parties declare their intention to conclude a contract, in the form of an offer and acceptance of offers. Consent of wills regarding the essential elements of the contract is one of the general conditions for the conclusion of the contract. Consent of the wills occurs in such a way that one party takes the initiative and proposes to the other party to conclude a contract, and the other party accepts that proposal. The digital environment also implies the expression of will in interactions, only that online circumstances indicate certain specificities. In the context of electronic transactions, the will can be expressed orally (phoning via the application), with signs (putting an item in the virtual basket), in

writing (replying to an SMS message), with the fact that there is a problem of face identification, that is, the need for face authentication. And such declarations of will could not be compared to written declarations of will from the aspect of legal certainty, except in the case of foreseeing certain degrees of verification. The use of digital technology in the contract cycle implies the legal equating of the declaration of will made through electronic means with written declarations of will (Klasiček, 2021, 173-194). It must be borne in mind that through digital technology, that is, electronic devices, the will can be expressed in a number of different ways and in different forms.

For example, one person can publish their smart contract (say for the purpose of raising funding) and this is considered a general offer because it contains all the essential elements of the future contract. By accepting the offer, it turns into a contract, by sending a fee in cryptocurrency or another digital asset in the form of an upload. Upload is the objective acceptance of the offer and the simultaneous fulfillment of the contractual obligation. When the smart contract, i.e. its code, verifies the receipt, the exchange between the contracting parties takes place.

In German law, the electronic form of the declaration of will is expressly recognized by law, in the sense of signing the text of the declaration of will with or without a qualified electronic signature if the person to whom it refers is clearly specified in the text itself. The conclusion of a contract in electronic form implies that each contracting party signs the same document with their electronic signature. The electronic signature must include the entire text of the contract. To a large extent, German legal solutions rely on traditional principles of contract law, but with the exception of legal regulations dedicated to electronic signatures. The most significant specificity and difference compared to the offline declaration of will is the fact that individuals are often not aware that they have given a declaration of will by which they enter into a contractual relationship. Understanding and correctly determining the moment of conclusion of the contract is important because of the application of rights and obligations to the contracting

parties, i.e. the effect of the contract that begins from that moment (Vinayak, 2019).

Offer

The general understanding of contract law is that the contract is considered concluded when the offer is accepted. An offer is defined as a unilateral expression of will directed to a specific person for the purpose of concluding a contract. In the context of electronic contracting, the offer can be placed electronically: by e-mail or via website. Regardless of how the offer is placed, it must meet the traditional requirements stipulated by the contract law - it must be precise in terms of its essential elements and addressed to a specific person or persons. The recipient of the offer is bound by the given offer from the moment it is delivered, communicated or otherwise made available, that is, from the moment when, under normal circumstances, he can familiarize himself with it in an adequate way. And this rule seems general enough that it is also applicable to the circumstances of concluding electronic contracts, in the sense that it includes situations when the offer has arrived in the electronic inbox and has not yet been read, when it arrives outside working hours or via networks that do not have constant, i.e. continuous transmission for technical or other reasons.

Making an offer for the conclusion of a contract electronically implies the use of e-mail or a website, the offer can be a commercial advertising message with which the consumer, that is, the buyer, agrees. The offer must be precise, addressed to a specific (not undefined or undeterminable) person or group of persons. The offer binds the recipient from the moment it becomes available to him, that is, if he can get acquainted with it under normal circumstances (for example, it is in his electronic inbox, even if it has not been read). Most national laws accept the theory of acceptance of the offer, ie. the contract is considered concluded when the offer is accepted. It is considered that at the moment when the customer places an online order on the merchant's website, the merchant must immediately, i.e.

without undue delay, accept or reject the order and inform the customer electronically (which is also in accordance with Article 11 of the EU Directive on e-commerce). Usually, on these occasions, automated software with pre-set parameters is used (so in practice this is an adhesion contract), so that the trader has no contact and no knowledge of the concluded contract. In order to prevent misunderstandings, fraud and to warn the inattention of customers, the legislator set as a matter of public interest the regulation of the mandatory content of the advertising message, by prescribing the conditions for its legality, and that at the moment of receipt of the marketing message by the customer, it can be clearly concluded from it its commercial character, that the sender of the commercial offer can be clearly identified, i.e. the entity whose goods or services are being advertised, that every promotional invitation to send an offer from a commercial message must be recognized in that way, even in the case of offering free goods or services, as well as that the conditions under which an offer is made based on a commercial message must be transparent. A commercial message generally does not have the characteristics of an offer, but the buyer sends an offer to the service provider with his request for a specific purchase (selection of goods, services, quantity, etc.) and the statement that he agrees with the content of the contract, which he accepts by sending an electronic message. In order for a commercial message to have the character of an offer, according to the rules of the contract law, it must have the property of a proposal for the conclusion of a contract made to a specific person, which contains all the essential elements of the contract so that the contract could be concluded by accepting it. However, the sending of catalogs, price lists, tariffs and other notices, as well as advertisements made through the press, leaflets, radio, television or in any other way, do not constitute an offer to conclude a contract, but only an invitation to make an offer under the published conditions, as well as commercial offer made through the website. Therefore, both the service provider and the user can be in the capacity of the offeror, depending on the way the invitation to conclude a contract is worded, as well as whether the invitation has all the

essential elements of the contract that is concluded on that occasion. It is usual that marked goods or services on the website, together with the price and conditions, do not mean an offer, because the buyer himself, by choosing the type of goods, services, quantity and method of collection, actually sends the offer to the service provider, who accepts it by electronic message, which formally becomes the contract. binding on the contracting parties.

Different national laws treat the display of products on a website differently - either as an invitation to conclude a contract (English law) or as a public, general offer (Dutch law). In this sense, Dutch law treats an order for a product on a website as an acceptance of an offer and the conclusion of a contract, while English law treats it as an offer to purchase that requires the seller's acceptance of the offer and subsequent conclusion of the contract. By announcing the offer, the offeror expresses his intention to be contractually bound under certain conditions, which, if accepted by the other party, become legally binding. In the context of electronic offers, primacy is placed on the appearance of the offer rather than on the intention of the offeror - the offer depends on how a reasonable individual would interpret it, whether it is contained on a website or in the text of an email. Something that can reasonably be interpreted as an offer does not necessarily have behind it the intention of the person placing it to commit, but the action of the other party can make it part of a legal obligation (Kambovski, 2021, p.44). In any case, a separate issue is the distinction between an offer and an invitation to make an offer. An invitation to make an offer is treated as an advertisement, while accepting an offer always means entering into a contract. Jurisprudence has treated the display of products with indicated prices as an invitation to make an offer, and the customer who approaches the cash register with the items is considered to have made an offer. In this sense, the display of goods on the website can be considered only as an invitation to make an offer, or it can be clearly indicated on the page itself. If a specific product or service is ordered through the website, then the customer selects the product or service by viewing the page, and fills out a form with personal data and payment card

data, in the form of data verification. Verified data is being sent. Sending verified data can be considered the conclusion of the contract, that is, the place and time of the conclusion of the contract. This moment is interpreted differently in different laws - either when the offeror receives a message about accepting the offer or the moment of sending the acceptance of the offer. In any case, the recipient of the offer must be notified of the order received without delay, and is deemed to have been notified when he can access them from his locations and devices.

The contracting phase in which the offer is formulated is the phase in which acts are created on the basis of which legal obligations are created. Offers that are formulated for marketing in the digital environment must contain data on products, technical characteristics, prices, payment methods and other information important for accepting the offer and creating a contract. Transactions are based on the freely expressed will of the parties doing business, and this implies that the parties are aware of the content and conditions of the contract in advance, which must be clearly and precisely, visibly indicated, on the website used for trade. In the context of electronic contracting, the contract will be considered concluded, that is, the offer accepted when the service provider accepts it by electronic message. The service provider is obliged to send consumers an electronic message confirming the acceptance of the offer.

Acceptance of the offer

The conclusion of a valid contract requires an agreement between two or more parties, where each party expresses an objective intention to be legally bound. In theory, this is called the objective theory of consent, and it is assessed against the reasonable party test, i.e. the requirement that in the event of a dispute that the court determines whether it was reasonable for the seller to conclude that the buyer intended to enter into the contract. The contract can also be defined as an "accepted offer", in the sense that two unilateral declarations of will by their meeting and matching create a contract on

the basis of which rights and obligations arise for the bearers of the declarations. Since the acceptance of the offer means the creation of a contract, it is a question that is resolved by proving the existence of the contract and the moment of its legal obligation. And in the digital context, the basic principle is the autonomy of the will, and the influence of the use of technology affects only the manifestation of the offer and the acceptance of offers. The consent and wishes of the contracting parties must be expressed freely, without any defect of will, by email or by accessing the website. An offer made over the Internet implies a unilateral declaration of will, and from the moment it is published, it binds the offerer regardless of when and if it will be accepted at all. Acceptance of an offer is an essential element of the agreement between the parties.

Willingness to conclude a contract implies being informed about the content and conditions of the contract, including the technical steps for concluding the contract. The service provider must inform the potential other party about the terms and content of the contract, which must be publicly available before reaching an agreement of will. Also, codes of conduct and general terms of business must be publicly available, since they represent a certain type of self-regulation. The availability of general data on which the consent of the other party depends, either through available links or in another way, is a form of consumer protection.

In business practice, where the positions of the contracting parties are more equal, a certain degree of flexibility is needed in terms of electronic contracts, which includes the conclusion of the contract by e-mail or another form of more direct communication. Acceptance of an offer can be in the form of an electronic message, filling in a standardized form or an implicit action.

An electronic contract is concluded by making an offer for conclusion by one party and its acceptance by the other party. Contracts concluded by exchanging declarations of will electronically, e.g. by email, require knowledge of all information, that is, each party is obliged to dispose of all necessary information, in accordance with the capabilities of the technique used to exchange information,

especially information related to the identity of the other party, the subject of the contract and the content of the contract. Contracts can also be concluded through digital platforms, where not only declarations of will are exchanged through the platform, but future contracting parties meet on them, and the content of the contract is stored on them. In this way, the platforms store a significant body of personal data, and thus enable the scoring process in the contract cycle. An additional way of concluding contracts in the digital context is through the use of artificial intelligence. The acceptance of the offer as well as the formulation of the counteroffer can be entrusted to forms of artificial intelligence (AI agents/VI agents) that can act depending on the level of autonomy granted, even on behalf of their principal (McCullagh, 2013). In relation to platforms, which enable the conclusion of contracts, VI agents can independently take steps to conclude a contract. Practically, digital agents can act as representatives of contracting parties, which is certainly an area that requires legal regulation.

An electronic contract is considered concluded when the offeror receives an electronic message containing the offeree's statement that he accepts the offer. An offer and acceptance of an offer, as well as other declarations of will made electronically, are considered received when the person to whom they are addressed can access them, not when they are actually accessed. By accepting the offer, a contract is created, but in circumstances where electronic means are used, the question arises as to in what exact moment and place the contract is considered to have been created, which further has an impact on the choice of applicable law and competent court. In theory, there are two basic approaches – the theory of sending, according to which the contract is considered to have been created at the moment when the acceptance of the offer was sent, regardless of when the offeror will actually get to know the answer, and the theory of acceptance, according to which the contract was created when the offeror actually familiarize with the acceptance of the offer. In the context of using email to offer and accept an offer, it is problematic which theory is applicable. In practice, the sender of an e-mail in which an offer is

accepted usually does not receive a notification that it has been delivered, and when it is sent, he has no control over it and the potential damages that may occur during the "travel" of the message through the Internet. In this context, reception theory seems to have more practical validity in the case of email communication. If messages are exchanged within a closed communication network in which the moment of reception, or even reading of the message can be determined, the choice between these theories is certainly in favor of the reception theory. In any case, the offer should contain information on how the offeror will value the moment of the creation of the contract, because the offeror and the buyer may be from different law orders where different theories are applied, and it may happen that for the buyer, by applying his law, the contract was created, and it is not for the seller, that is, the bidder.

In the context of concluding electronic contracts, the legal validity of online transactions must be achieved, from the very beginning of the legal regulation of contracting in the digital society. On the other hand, the use of profiling, scoring and personalization techniques requires a legal treatment of special challenges and a clear differentiation, in this sense, between electronic and traditional contracts.

Concluding remarks

Digital technology brings challenges and consequences for contract law, because the impact of different technologies on contract law is very evident. The digital sphere has its own specific character, due to which it is impossible to automatically apply existing norms and legal rules and institutes to relations that fall into the sphere of digital relations. The issue of adapting existing legal regulations to the digital environment inevitably arises. Contemporary social relations are hybrid in nature, in the sense that they take place on both the physical and digital ground. The digital ground complements the physical one, creating a kind of "interreality". Digital law develops together with the entire legal system, without opposing it, but at the same time, the lack

of judicial practice and precedents makes it impossible to take strong positions and draw concrete conclusions. The law governing electronic contracts is constantly and rapidly changing and being redefined. Standards related to notices and expressions of consent still apply, but are applied in a different way compared to electronic contracts, especially the so-called wrap, i.e. electronic contracts by access. The legal validity of the notice of consequences is evaluated in relation to the perspective of the users of the page and the way in which their creator decided to present them. Instead of asking the question why the user did not read the terms of use, the increasingly asked question is why the provider did not present the terms in a sufficiently visible way - website owners must make the terms they want to oblige their users sufficiently visible. In the event of a dispute, the creator of the page must show how he made the terms of use available and that the user was actually on the website when the terms were presented.

There are perceptions that traditional contractual principles are flexible enough to apply in the digital environment. Institutes of traditional contract law, such as changed circumstances, conduct in accordance with the principle of conscientiousness and honesty and obligations of consideration towards the contractor are flexible enough to be interpreted according to each specific situation. However, it is impossible to apply the algorithmic code to open legal standards such as *bona fides* or *force majeure*, good business practice, protection of the weaker party, that is, some conditions cannot be evaluated by the algorithm for the purposes of application. The standards of "due care" and "declaration of consent" remain the same in their content and effect, but the manner of application of those standards depends on the circumstances of the specific case. Courts have begun to take into account and appreciate the appearance of the website and how the creator of the page decides to present the terms of use of the page - the burden of proof is transferred to the creator of the page.

Although today it is impossible to live and function in society as a whole without using computers and modern information technology, there is a growing awareness that these useful and necessary tools can be used for illicit and unlawful purposes, primarily for obtaining

unlawful financial gain for an individual or causing harm to others (Bjelajac, Matijašević & Dimitrijević, 2012). Theft of goods, falsification of data and documents, financial theft, fraud and abuse, hacking, vandalism, computer espionage, and sabotage are just some of the abuses in contemporary digital society (Bjelajac & Zirojević, 2014). Therefore, the rapid development of the digital economy requires the creation of a coherent and global legal protection framework, especially in relation to guarantees of legal protection when using digital technology. The goal of legal regulation is to achieve a balance between minimizing the risk of digitalization and legitimizing new assets, especially in digital form, in terms of digital content and digital services, i.e. digital assets. At the level of states, as well as at supranational levels, primarily under the auspices of international organizations, efforts are being made to develop strategies that adapt law to the use of digital technology. And this is the direction established today between law and digital technology - law has to adapt to the new reality of using digital technology.

* The paper is the result of a long-term scientific research project "Progressive development of law in modern digital society", which is financed by the Provincial Secretariat for Higher Education and Scientific Research activity (decision number 142-451-3134/2022-02, 21.11.2022).

References

- Bjelajac, Ž., Matijašević, J., & Dimitrijević, D. (2012). Značaj uspostavljanja međunarodnih standarda u suzbijanju visokotehnološkog kriminala [The importance of establishing international standards in combating high-tech crime]. *Međunarodna politika*, 63(1146): 66–84.
- Bjelajac, Ž., & Zirojević, M. (2014). Bezbednosna kultura u eri globalizacije [Security Culture in Era of Globalization]. *Kultura polisa*, 11(23): 77–99
- Dukić Mijatović, M., Mirković, P. (2022). Digitalna ekonomija i informaciono društvo – domet i pristup pravne regulacije [Digital economy and information society – scope and approach to legal regulation]. *Ekonomija – teorija i praksa*, 15(2), 53–70;
- Gisler, M., Stanoevska-Slabeva, K., & Greunz, M. (2000). Legal Aspects of Electronic Contracts, Infrastructures for Dynamic Business-to-Business Service Outsourcing (IDSO'00), Stockholm, 5–6 June 2000;
- Grundmann, S., & Hacker, P. (2017). Digital technology as a challenge to European Contract Law. *European Review of Contract Law*, 13(3), 255–293. <https://doi.org/10.1515/ercl-2017-0012>, Available at https://www.researchgate.net/publication/319383275_Digital_Technology_as_a_Challenge_to_European_Contract_Law;
- Kambovski, I. (2021). E-ugovor – zaključenje i punovažnost [E-contract – conclusion and validity]. *Zbornik radova sa Međunarodne naučne konferencije "Pravo i digitalizacija"*, (41–50), Niš: Pravni fakultet;
- Klasiček, D. (2021). Declarations of will in the digital environment and wrap contracts. *Zbornik radova Pravnog fakulteta u Nišu*, 60(92), 173–194;
- McCullagh, A. (2013). *The Validity and Limitations of Electronic Agents in Contract Formation*, Available at SSRN:

<https://ssrn.com/abstract=3312527> or
<http://dx.doi.org/10.2139/ssrn.3312527>;

- Radovanović, S. (2008). Zaključivanje ugovora putem Interneta – ide li pravo u korak sa vremenom? [Concluding contracts via the Internet – is the law keeping pace with the times?] *Zbornik radova Pravnog fakulteta, Novi Sad*, 42(3), 279–291;
- Stojšić Dabetić, J. (2023). Wrap Contracts And Their Influence On The Contract Law, *Law – Theory and Practice*, special edition Vol. 40 No. 1 (2023), ISSN 0352-3713 (Printed) ISSN 2683-5711 (Online), UDK: 347.4:004.738.5, 84–98;
- Stojšić Dabetić, J., Mirković, P. (2023). Contracting in Modern Digital Society – Phenomenological and Legal Outlines, VII International scientific conference „Development of science in the XXI century“, September 14-15, 2023, Dortmund, Germany, 34-42, ISBN: 978-92-44513-67-5;
- Vinayak, P., (2019). *Choice of Law and Jurisdiction in E- Commerce Contract: A Comparative Study*. Available at SSRN: <https://ssrn.com/abstract=3508836>;

Ugovaranje u digitalnom društvu – određena pitanja od značaja u pogledu normiranja ponude i prihvata ponude kod e-ugovora

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Sažetak

Digitalna ekonomija uvodi digitalizaciju u ugovorno pravo i u praksu ugovaranja, stvarajući preduslove za redefinisane tradicionalnih postulata ugovornog prava, kroz drugačije oblike ponude robe i usluga, elektronskim putem i korišćenjem nove ekonomske i pravne terminologije, kao i drugačije procese ugovaranja. Rad je fokusiran na posebne segmente ugovornog ciklusa – ponudu i prihvata ponude, kao ključne elemente u ugovornom ciklusu zaključenja elektronskih ugovora, i analizu njihove regulacije u kontekstu ugovaranja u digitalnom društvu. Ponuda i prihvata ponude su, kao i širi kontekst ugovaranja u digitalnom društvu, predstavljeni kroz fenomenološku analizu, čiji je cilj da ukaže na elemente i posledice uticaja upotrebe digitalne tehnologije u ugovaranju. Nadalje, analizirani su pravni aspekti ponude i prihvata ponude prilikom nastanka elektronskih ugovora i komparativnom metodom postavljeni u ravan sa tradicionalnim ugovornim principima, kako bi se procenio domašaj njihove primenljivosti u savremenim uslovima poslovanja, odnosno ukazalo na stepen potrebe redefinisane tradicionalnih principa ugovornog prava.

Ključne reči: elektronski ugovor, ponuda, prihvata ponude, ugovaranje, digitalna ekonomija.

Is the Soft Power of the Republic of Turkey in Middle Eastern Countries Enough?

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Article Information




Research Article • UDC: 327(560:5-11)

Volume: 21, Issue: 1, pages: 202-222

Received: January 11, 2024 • Accepted: March 4, 2024

<https://doi.org/10.51738/Kpolisa2024.21.1r.202smt>

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We have no known conflict of interest to disclose.

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• Cite (APA): Štrbac, K., Milosavljević, B., & Tomašević, V. (2024). Is the Soft Power of the Republic of Turkey in Middle East Enough? *Kultura polisa*, 21(1), 202-222, <https://doi.org/10.51738/Kpolisa2024.21.1r.202smt>



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Abstract

Regardless of the existing conflicts, the twenty-first century might be predominantly a century of soft power, most pronounced in Europe. Turkey, which geographically belongs to Europe and Asia, has been looking to achieve its foreign policy priorities and is changing its methodology of conducting foreign policy. The use of soft power based on national culture, political values, religion, economy, institutions, and international relations in the early 21st century represented a radical turn compared to earlier historical attempts. Throughout history, Turkey used hard power in the region, but it was mostly unsuccessful. Therefore, the nature of soft power represented an opportunity for strengthening Turkey as a regional power and a qualitative change of negative stereotypes about this country. However, it is evident that soft power in the changed regional security circumstances in the final years of the second decade in the 21st century is insufficient, so Turkey has started using hard power (military) again to strengthen its leadership position. This paper explains the soft power of the Republic of Turkey in the MENA region and the recent reorientation to the combination of military strength and diplomatic influence in international relations. How much that rearrangement in foreign policy will position Turkey in the new security and political circumstances at the beginning of the 21st century's third decade remains to be seen.

Keywords: soft power, international relations, Republic of Turkey, Middle East

Is the Soft Power of the Republic of Turkey in Middle Eastern Countries Enough?

Preface

Following the dissolution of the Ottoman Empire post-World War I, Turkey's revolutionaries, under the leadership of Mustafa Kemal Atatürk, triumphed in the War of Independence, laying the foundation for the contemporary Republic of Turkey. Atatürk, serving as Turkey's President, played a pivotal role in this transformative period. Turkey needed to modernise, apply the European way of life, and eliminate the excessive influence of religion on the population. In addition, Turkey is rich in raw materials that need industrialisation. Throughout World War II, Turkey maintained a neutral stance until February 1945, when it aligned with the Allies. Subsequently, the nation actively participated in the Marshall Plan of 1947, gained membership in the Council of Europe in 1949, and joined NATO in 1952. As a NATO member, it was impossible to remain neutral in the Cold War era, so the country strongly supported allies at that time. Turkey benefited from this decision politically and economically.

In addition to membership in NATO, Turkey also started negotiations with the European Union. Later, those negotiations paused because of Turkey's internal issues related to human rights. Turkey's stance in relation to Europe has been characterised as "Europe has been an object of desire as well as a source of frustration for Turkish national identity in a long and strained history" (Ahiska, 2003, p. 351–352).

In the post-Second World War era, the most developed and politically influential European countries, regardless of which side they were on during the war, tried to act as an example to the global community in solving problems peacefully. "Therefore, even after the Treaty of Rome in 1957, the European integration aspiration was focused exclusively on economic development, i.e., creating a common market, even though the idea of cooperation in international politics already existed" (Ilic et al., 2017). In 1959, Turkey initially pursued associate

membership in the "European Economic Community" (EEC)¹. Later, on September 12, 1963, Turkey officially ratified the Ankara Agreement, formally titled the "Agreement Establishing an Association between The Republic of Turkey and the European Economic Community" (Official Journal of the European Communities, Vol. 16, No. C113 1963). This agreement officially took effect on December 12, 1964. The main aim of the Ankara Agreement was to ease Turkey's integration into a customs union with the EEC, recognising the ultimate objective. In November 1970, a crucial agreement called the "Additional Protocol" was ratified, significantly influencing the trade dynamics between Turkey and the European Economic Community (EEC). This protocol outlined a systematic plan for gradually eliminating tariffs and quotas on exchanged goods between Turkey and the EEC.

On April 14, 1987, Turkey formally applied for full membership in the European Economic Community. Nevertheless, in December 1989, the European Commission, while acknowledging Turkey's eventual accession, chose to postpone the commencement of formal negotiations for more favourable circumstances. The Commission pointed to Turkey's economic and political situation, strained relations with Greece, and the ongoing conflict with Cyprus as factors creating an unfavourable environment for starting negotiations. This stance was reiterated in the Luxembourg European Council 1997, where accession talks commenced with central and eastern European states and Cyprus but not with Turkey.

During the nineties, Turkey moved towards faster integration with the European Union by entering the customs union in 1995. By joining the customs union, Turkey harmonized its customs rates with the EU for all industrial goods, except for agricultural products, public

¹ The European Economic Community (EEC) was a former regional organization established by the Treaty of Rome in 1957 with the goal of achieving economic integration among its member states. Following the establishment of the European Union (EU) in 1993, the EEC was assimilated into the EU and rebranded as the European Community (EC). In 2009, the institutions of the EC were integrated into the broader framework of the EU, leading to the dissolution of the European Community. <https://trade.ec.europa.eu/access-to-markets/en/glossary/european-economic-community>

procurement, and services. This gave Turkey significant privileges in trade with the European Union. Furthermore, the European Council of 1999 marked a significant milestone as the EU recognised Turkey as a candidate on equal footing with other potential candidates.

Turkey's initiatives to commence membership negotiations with the European Union have caused frustration because there have been virtually no results. In Turkey, interest in the EU has declined, and it is turning its foreign policy more and more to other parts of the world to take advantage of the reality of the increased multipolarity of the world.

Economically, the most important partner for Turkey today is the European Union. According to EUROSTAT data for 2022, Turkey was the seventh largest trade partner, export destination and importer in the EU. The European Union was Turkey's primary import and export partner and remained a key source of investment. The trade exchange is convincingly the largest, but that was not enough for faster negotiations with the EU.

Following the European Commission's recommendation regarding negotiations, EU leaders reached an agreement to initiate accession talks with Turkey on October 3, 2005. (European Council, 2005) Turkey generally ensured its energy security by scaling up energy arrangements with Russia as an economic power on the rise. It becomes crucial for a country serving as a transit point along critical routes supplying Europe with Russian and Central Asian energy sources. "Thereby, it would gain economic profit and be a powerful political instrument in relations with the European Union, whose membership as a candidate has been pending since 1987" (Štrbac et al., 2019, p. 190–193).

Numerous internal and external problems of Turkey have influenced the postponement of negotiations on the country's accession to the European Union. Since the growth of Turkey's economy is partly based on trade with the EU, delaying EU membership could negatively affect the country's economic growth. "The growing interdependence of countries in the world and the pressures of globalisation are pushing the nation-state from the bottom up, and current conditions reveal a new identity, and a nation-state is no longer

the only option of loyalty and primary base identity" (Tomic et al., 2017, p. 42).

Soft power in Turkey's foreign relations?

"In the realm of politics, especially within international contexts, soft power can allure and persuade, as opposed to the forceful nature of hard power. Unlike hard power, which relies on coercion, soft power aims to influence the preferences of others through appeal and attraction. A key characteristic of soft power is its non-coercive nature, with cultural elements, political values, and foreign policies serving as its currency. Joseph Nye introduced the concept of "soft power" in the late 1980s" (Nye, 2003). "In the late 1980s, Nye began to study elements such as civilisation and culture in his work on patterns of soft power, which he defined as the competence of a state to coerce another state to exact its bidding without using power or force" (Nye, 2004). "He argues that countries can achieve their objectives without coercion, but the notion that religion could be soft power first penetrated the scholarly debate only at the turn of the century" (Steiner, 2011, p. 127-129). In 2012, Joseph Nye elucidated that through the use of soft power, "the best propaganda is not propaganda" and "credibility is the scarcest resource" during the Information Age (Nye, 2012). Soft power can encompass a range of elements and resources that contribute to a state's ability to influence others. These factors encompass political attitudes and beliefs, doctrines and ideals, the strategic consequences of policies, economic concerns, social values and cultural exports, diplomacy, and international relations, including soft diplomacy. Therefore, considering the changed international status of Turkey, as well as the increased resources of soft power, the creators of the foreign policy of the Republic of Turkey increasingly tried to position their country as a global actor. According to the annual index released by Portland Communications and the USC Centre on Public Diplomacy in 2019, Turkey secured the 29th position among the most influential soft power countries. The report highlighted Turkey as the most influential nation

in the Middle East and Africa's government, education, economy, culture, engagement, and digital categories. Trade emerged as a pivotal element of Turkey's regional policy. Specifically, under the leadership of the Justice and Development Party (AKP) and the then-Prime Minister (later President) Recep Tayyip Erdoğan, Turkey actively pursued a dynamic foreign policy in the Middle East during the early 2000s. This proactive approach resulted in Turkey playing a crucial and prominent role in regional diplomacy, contributing to a favourable perception in the Middle East for various reasons.

Firstly, Turkey engaged in successful mediation efforts in various conflicts, demonstrating its capacity as a neutral mediator. These efforts included mediating between Palestinian factions, facilitating indirect talks between Syria and Israel, and contributing to peace dialogues between Afghanistan and Pakistan. Secondly, Turkey's engagement in the Lebanese conflict, its mediation efforts among various parties, and its deployment of troops to UNIFIL II underscored its dedication to promoting tranquillity and stability in the region. Thirdly, Turkey's robust economy and political transformation under the AKP's leadership served as an example for nations in the Middle East. Its success story was admired, especially when many countries in the region were grappling with stagnant economies and calls for political reforms. Next, Turkish soap operas, known as "Turkish dramas," gained immense popularity within the Middle East, resonating with viewers, and influencing cultural trends. This cultural exchange bolstered Turkey's soft power within the region. Also, Arab tourists gathered in Turkey, boosting the country's tourism industry. Economic ties between Turkey and Middle Eastern countries expanded, promoting economic cooperation.

And Turkey's narrative of "Muslim solidarity" and its vocal stance on issues related to Palestine and Israel found resonance in a region where such issues were profoundly significant. This stance positioned Turkey as a champion of Palestinian rights and acquired support from various Middle Eastern governments and populations. During this period, Turkey's active foreign policy, often called "neo-ottomanism" or "zero problems with neighbours," aimed to establish Turkey as a pivotal a key player in the region with positive relations with its

neighbouring countries. Although this strategy initially achieved success and garnered popularity in the Middle East, regional dynamics have since changed, leading to shifts and challenges in Turkey's role and relationships in the subsequent years. This proactive approach has resulted in a key and prominent role for Turkey in regional diplomacy, contributing to a favourable view in the Middle East for various reasons.

First, Turkey has engaged in successful peace processes in various conflicts, demonstrating its ability as a neutral mediator. Those efforts included mediating between Palestinian factions, facilitating indirect talks between Syria and Israel, and contributing to peace talks between Afghanistan and Pakistan. Second, Turkey's involvement in the Lebanese conflict, its mediation efforts among the various parties, and the deployment of troops to UNIFIL II, highlighted its commitment to promoting peace and stability in the region. Third, Turkey's strong economy and political transformation under the leadership of the AKP served as an example for countries in the Middle East. Her success story was admirable, especially when many countries in the region are facing economic stagnation and calls for political reform. Next, Turkish soap operas, known as "Turkish dramas", gained immense popularity in the Middle East, flirting with viewers, and influencing cultural trends. This cultural exchange strengthened Turkey's soft power in the region. Also, Arab tourists visited Turkey, supporting the tourism development of the country. Economic relations between Turkey and countries in the Middle East have expanded, promoting economic cooperation.

And Turkey's narrative of "Muslim unity" and its vocal stance on issues related to Palestine and Israel resonated in a region where such issues were highly significant. This stance positioned Turkey as a defender of Palestinian rights and gained support from various governments and populations in the Middle East. During this period, Turkey's active foreign policy, often called "neo-ottomanism" or "zero problems with neighbours", aimed to establish Turkey as a key player in the region with positive relations with neighbouring countries. Although this strategy initially achieved success and gained popularity in the Middle East, regional dynamics have since changed, leading to changes and challenges in Turkey's role and relations in the following

years. In the early 2010s, Turkey led by Prime Minister Recep Tayyip Erdogan and the Justice and Development Party (AKP) pursued a foreign policy approach that emphasized its importance as a key player in the Middle East, especially in the context of political Islam. This policy had several aspects.

First, in 2010, Prime Minister Erdogan received a prestigious award from the King of Saudi Arabia, Abdulaziz bin Abdulaziz, emphasizing the importance of Turkey's critical attitude towards Israel. This recognition reflected Turkey's alignment with certain regional dynamics and growing influence in Middle Eastern affairs. Second, the declining importance of Arab nationalism in the region provided an opportunity for Turkey to reestablish contacts with its Middle Eastern neighbours. The Turkish government has sought to position itself as a regional superpower with aspirations of influencing regional affairs. Third, Turkish Foreign Minister Abdullah Gul's speech at the Organization of the Islamic Conference in 2003, in which he criticized the engagement of Muslim society in the context of democracy and human rights, was well received. This speech indicated Turkey's willingness to engage in constructive dialogue and promote democratic values in the region. Fourth, Turkey capitalized on ties to Islamist political movements across the Middle East, some of which had historical roots as far back as the 1950s. The AKP leadership cultivated relations with Islamist groups, including the Muslim Brotherhood, and positioned Turkey as a centre for discussions about the future of political Islam. In addition, Turkey has welcomed uprisings in Arab countries such as Egypt, Tunisia, and Libya, seeing them as opportunities for political Islamists, including the Muslim Brotherhood, to seize power. Turkey's foreign minister at the time, Ahmet Davutoglu, even called the uprisings the "Turkish Spring," hoping to bring Islamists to power and replace what he saw as a culturally separate political establishment.

Why is Turkey so important?

Turkey's geographical location indeed gives it both significant advantages and challenges. Its strategic position at a pivotal juncture

of Europe, the Caucasus, and the Middle Eastern region offers various advantages and opportunities. "Turkey is neither a strategic producer of energy nor a strategic consumer of it. However, it is an important transit country with increasing future potential and importance. Turkey is also emerging as a key partner in ensuring European energy security by transporting energy from producers near Turkey to of Europe" (Milosavljević, 2021, p. 110–111). Turkey's strategic location as a crucial transit country for energy resources presents a significant advantage. Positioned between resource-abundant areas in the Middle East, the Caspian Sea, and energy-consuming markets in Europe, Turkey is a vital energy transit hub. It boasts pipelines and infrastructure capable of efficiently transporting oil and natural gas to European destinations. Key projects such as the "Baku-Tbilisi-Ceyhan"² (BTC) oil pipeline and the Southern Gas Corridor underscore Turkey's pivotal role in facilitating energy transportation. Location of the Republic of Turkey has security implications. It shares borders with countries facing political instability and conflicts. Managing these security challenges while preserving stability is crucial for its security and the wider region. Turkey's geographical location has positioned it as a historical and cultural bridge connecting Europe and Asia. This has enriched its cultural heritage and contributed to its soft power, attracting tourists, and fostering cultural exchanges. However, Turkey's position also comes with risks and challenges, including:

1. Turkey is often affected by regional conflicts and tensions due to its proximity to volatile regions. These conflicts can pose security threats and economic challenges.
2. While Turkey benefits from its role as an energy transit hub, it also relies heavily on importing energy. Disruptions in energy

² The Baku-Tbilisi-Ceyhan (BTC) pipeline serves as the conduit for transporting oil from the Azeri-Chirag-Deepwater Gunashli (ACG) field and condensate from Shah Deniz, spanning across Azerbaijan, Georgia, and Turkey. This pipeline connects the Sangachal terminal on the Caspian Sea to the Ceyhan marine terminal on the Mediterranean coast of Turkey. Furthermore, it facilitates the transportation of crude oil from Turkmenistan. https://www.bp.com/en_az/azerbaijan/home/who-we-are/operations/projects/pipelines/btc.html

supply routes can have significant economic and energy security consequences.

3. Turkey's strategic location makes it a focal point of geopolitical competition among regional and global powers. This competition can sometimes put it in a delicate diplomatic position.
4. Turkey's location along migration routes has made it a destination and transit country for refugees and migrants, leading to significant humanitarian and political challenges.

However, the soft power of the Republic of Turkey's approach to international relations does not signify a complete renunciation of military influence or the utilisation of military force in conflicts. Given the need for deterrence, Turkey finds itself requiring more robust armed forces, particularly considering the terrorist activities occurring along its borders.

Turkey's Foreign Policy Transition in the Early 21st Century

Disappointment with slow integration into the European Union has turned Turkey's foreign policy in another direction. Although theorists believe that Turkey's role has diminished with the post-Cold War era, in the latter part of the 21st century's third decade, it will be shown that this country is an important strategic member of NATO. Recognising the strategic value of its history, culture, and geography, Turkey seeks to leverage these elements as key tools in its soft power toolkit. There have been significant shifts in Turkish Foreign Policy compared to the post-1923 era and the 2000s. Turkey's strategic assets stem from a synthesis of history and geography. Despite facing domestic economic challenges, Ankara pursues an ambitious foreign policy initiative fuelled by aspirations for Pan-Turkish influence stretching into Central Asia, a Neo-Ottoman presence extending throughout North Africa and the Middle East, and a leadership role in the Sunni world. In principle, greater multipolarity, when it comes to world international relations, gives Turkey more room for maneuver as the US and European interests often diverge, Cold War rivalries have

softened with the rise of non-state threats, and China has emerged as its pole of power. "Despite Ankara's actions, none of the big powers wants to alienate Turkey, and none has the strength or interest to force Turkey down a single path. Davutoğlu delineates five principles guiding Turkey's foreign policy formulation". They are (1) a balance between security and democracy, (2) a 'zero problem policy with Turkey's neighbours', (3) developing relations with neighbouring regions and beyond, (4) adherence to a multi-dimensional foreign policy, (5) and rhythmic diplomacy" (MFA Turkey, 2010). "The thrust of Davutoglu's doctrine sits easily alongside" (Tüysüzog̃lu 2014, p. 93) according to which Turkey would assume the role of a link between the Euro-Atlantic world and Islamic civilization. Turkish soft power augments Turkey's geoeconomic prowess, extending its influence and positioning it as a regional finance, commerce, and energy hub. The economic aspect of neo-ottomanism involves forging connections between the Middle East and Europe through trade, transportation, and energy initiatives. It includes the expansion of economic ties with Russia and the enhancement of manufacturing capabilities to cater to the needs of neighbouring countries. "The commercial trade volumes currently attained, and the steady development of economic relations between Turkey and Russia bear witness to the geoeconomics efficacy of efforts to turn Istanbul into a financial centre of Eurasia as a whole, as evidenced by the Borsa Istanbul initiative and energy projects such as Trans-Anatolia, and South Flow" (Tüysüzog̃lu 2014, p. 96) The new approach of Turkish foreign policy can be analyzed through a geopolitical framework based on civilization, which is reflected in the prominent legacy of the Ottoman period and the focus on Islamic civilization.

The Arab Spring instigated noteworthy shifts in Turkey's approach to the Middle East and altered the perception of Turkey within Middle Eastern populations. The Syrian crisis played a pivotal role, as Syria became a focal point in Turkey's revised foreign policy stance in the Middle East. Historically, Turkey had maintained exemplary relations with Syria, embodying the traditional approach of zero problems with neighbours. However, as events unfolded during the

Arab Spring, Turkey's alignment supporting those opposing the Bashar al-Assad regime marked a substantial transformation. The predominant portion of the Syrian opposition, backed by Turkey, comprised Sunni factions. Assad, on the other hand, belongs to the Nusayri sect (Alevi or Alawite), and the fact that Iran supported his regime led to the perception that Turkey's Middle East strategy was favouring only Sunni sect members. Consequently, the Arab Spring and the Syrian crisis created an impression that Turkish foreign policy was taking a factional stance, resulting in strained relations with Syria, Iran, and the central authority in Iraq. Similar strains extended to relations with Hezbollah in Lebanon. "For Turkey today, zero problems with neighbours no longer apply, particularly in the Middle East" (Kibaroglu, 2012, p. 59–60).

Middle East and Turkey's soft power

The limited engagement of Turkey in Middle Eastern affairs during the initial years of the Republic of Turkey, especially under the leadership of Mustafa Kemal Atatürk, can be ascribed to various factors, encompassing the historical context and the prevailing priorities of Turkey at that time. Throughout the latter half of the 20th century and into the 21st century, Turkey has progressively intensified its involvement with Middle Eastern nations, undertaken diplomatic initiatives, and assumed mediation roles in regional conflicts, reflecting the evolution of its foreign policy priorities. "Furthermore, in Turkey's case, the rhetoric of East and West has been matched by the rhetoric of Islam and democracy. As a result, the geographic coincidence of being in both Europe and Asia has become fused with the historical circumstance of being both Muslim and democratic or both Muslim and secular" (Danforth, 2008, p. 84). The evolution of Turkey's foreign policy, especially in the Middle East, has undergone substantial changes over the years. The shift from a primarily military-focused approach in the 90s of the last century to an emphasis on soft power and diplomacy at the beginning of the current century, coupled with the subsequent challenges posed by the Arab uprisings and regional

conflicts, illustrates an intricate and dynamic trajectory. It is important to emphasise key points that might explain Turkey's evolving foreign policy in the Middle East. In the 1990s, Turkey's regional policy had a pronounced military focus.

According to the Arab Barometer Wave II³ (2011), Middle Eastern societies perceived Turkey as a moderately democratic country, with a mean value of 6.4 on an 11-point scale, where 10 represents a democracy to the greatest extent possible. The Republic of Turkey's position in the region and its relationships with various actors, including Western countries, remain a matter of global interest and concern. The challenges and choices facing Turkey in domestic politics and foreign policy are multifaceted, raising questions about Turkey's future trajectory and role in a rapidly changing global landscape. Turkey's new appearance can also be seen in relations with Tehran because Tehran and Ankara have at least one point of convergence of interests – Kurdistan. Independent Kurdistan does not suit Turkey or Iran, nor Iran's ally in the region – Syria, because of the Kurdish minority living in the three countries and Iraq. The Kurdish Autonomous Region is the most peaceful part of Iraq, and the Kurds are the only Iraqi allies of the Anglo-American forces. They are an essential ally of the United States in a possible military conflict with Iran. However, the Kurdish allies complicated and seriously tested the alliance between Washington and Ankara. Turkey has repeatedly stated that it could intervene in northern Iraq, which it has often done during Saddam Hussein's rule and more recently. With its growing energy needs, Turkey sees Kirkuk as a strategically important position in ensuring energy security. The Kirkuk-Ceyhan oil pipeline, which passes through Iraq and Turkey, is a symbol of this partnership. However, the control

³ Arab Barometer stands as a nonpartisan research network offering valuable insights into the social, political, and economic attitudes and values held by ordinary citizens throughout the Arab world. Since 2006, the organization has been consistently conducting high-quality and reliable public opinion surveys in the Middle East and North Africa (MENA) region. It proudly holds the distinction of being the longest-standing and largest repository of publicly available data, providing a comprehensive understanding of the perspectives of both men and women in the MENA region. <https://www.arabbarometer.org/about/>

and distribution of revenues from this pipeline has been a matter of dispute, especially at times when the Kurdistan Regional Government (KRG) has tried to bypass Baghdad and export oil directly to Turkey. The Iraqi government has often characterized such actions as a threat to its sovereignty, leading to political disputes between Iraq and Turkey.

Conclusion

In recent years, Turkey's foreign policy has heavily leaned on what is commonly referred to as "Islamic soft power" strategies, seeking to advance foreign policy objectives by promoting Islamic virtues, such as charitable activities and general Islamic ethics. Turkish policymakers have demonstrated self-confidence and political will in the Middle East, shaping a strategic depth that allows Turkey to play a significant role in soft-power dynamics. Nevertheless, Turkey's ruling elite is prepared to undertake the challenge, and we can expect increased Turkish involvement in addressing protracted problems in the Middle East in the coming years. The demilitarisation of society and, at least for the present, successful integration of democratisation and re-Islamization provide Turkey with internal vigour, enabling a confident approach to foreign policy. Turkey readily transforms its economic, cultural, and social influence into tangible political actions.

Given the uncertain outlook regarding EU membership, Turkey is selective in the reforms it chooses to implement. Reforms that may alter Turkey's independence and vital interests, such as enhancing freedom of speech, are no longer prioritised. Instead, demilitarisation aligning with the objectives of the ruling AKP takes precedence. Simultaneously, there is a noticeable decrease in support for EU accession among citizens and intellectuals in Turkey.

During the same period, Turkey has actively sought to expand its economic presence in the Middle East through bilateral partnerships. In times of global economic challenges and the post-COVID period, Turkey has been eager to attract fresh capital, particularly from countries experiencing consistent, rapid growth, and it leverages this to enhance its influence through capital investments in regional

economies. Governments in the Middle East and Turkey encourage Turkish companies to enter their markets, especially in strategic projects. The way Turkey invests capital and finances projects reflects its aspirations outlined in the "Strategic Depth" doctrine, emphasising the infrastructural connection of Muslims in the Middle East and the sustainable development of those areas. Turkey is also strengthening its cultural influence in the region by actively participating in restoring and constructing monuments related to the Ottoman heritage.

However, the escalation of tensions and conflicts in neighbouring areas, such as Syria, Iraq, Iran, and Israel, has disrupted the security situation and prompted a re-evaluation of Turkey's foreign policy priorities. Despite the relatively stable power of the ruling party, President Erdogan's authoritarian governance has faced strong criticism and increased internal divisions within Turkey. The realisation of Turkey's ambitious goals will depend on the responses of significant global players (USA, Russia, China, and the EU) and influential Muslim and Arab states and organisations, many of which may have differing views on Turkey's approach to resolving internal and regional issues. As an important member of NATO, Turkey is unlikely to settle for a passive role in the existing geopolitical landscape. It may deploy its military forces to secure the realisation of its foreign policy goals and priorities, as observed in the case of Syria. The reactions of other countries in the region will shape the dynamics in the next period, bearing in mind that Middle Eastern countries have their security agendas, which may not exclusively revolve around Turkey.

References

- 2678th Council Meeting General Affairs and External Relations, General Affairs*. European Commission. (2005, October,3), https://ec.europa.eu/commission/presscorner/detail/en/PRES_05_241
- Agreement Establishing an Association between the European Economic Community and Turkey and the Additional Protocol*. Council of the European Communities. Official Journal of the European Communities. Vol. 16, No. C113, (1973, December 24), http://ec.europa.eu/enlargement/pdf/turkey/association_agreement_1964_e_n.pdf.
- Agreement establishing an Association between the European Economic Community and Turkey*. Council of the European Communities. Official Journal of the European Communities, No L 361 /29, (1977, December 31), https://eur-lex.europa.eu/resource.html?uri=cellar:f8e2f9f4-75c8-4f62-ae3f-b86ca5842eee.0008.02/DOC_2&format=PDF
- Ahiska, M. (2003). Occidentalism: The Historical Fantasy of the Modern. *South Atlantic Quarterly*, 102 (2–3): 351–379. <https://doi.org/10.1215/00382876-102-2-3-351>
- Arab Barometer, (2023, November 5), *About Arab Barometer*. <https://www.arabbarometer.org/about/>
- Baker, R. (2020, November 27), *Middle Powers: Maneuvering Among Giants*. RANE. <https://worldview.stratfor.com/article/middle-powers-maneuvering-among-giants>
- BP Azerbaijan, (2023, November 10), *Baku-Tbilisi-Ceyhan pipeline*. https://www.bp.com/en_az/azerbaijan/home/who-we-are/operations/projects/pipelines/btc.html
- Ceyhun, H. E. (2018). Turkey in the Middle East: Findings from the Arab Barometer. *Boğaziçi University, Working Paper*
- Coşkun, B. B. (2016). The Post- Davutoğlu Era in Turkish Foreign Policy, *E-International Relations*,

<http://www.e-ir.info/2016/06/03/the-postDavutoğlu-era-in-turkish-foreign-policy/>

- Danforth, N. (2008). Ideology and Pragmatism in Turkish Foreign Policy: From Atatürk To The AKP. *Project on Middle East Democracy, Washington, DC.*
- Davutoğlu, A. (2001). *Stratejik Derinlik* [Strategic Depth]. Küre Yayınları.
- Davutoglu, A. (2008). Turkey's Foreign Policy Vision: An Assessment of 2007. *Insight Turkey 10, no. 1*, <https://www.insightturkey.com/articles/turkeys-foreign-policy-vision-an-assessment-of-2007>
- Davutoğlu, A. (2012). Principles of Turkish Foreign Policy and Regional Political Structuring, *International Policy and Leadership Institute, Third edition*, <https://www.tepav.org.tr/en/haberler/s/2827>
- Davutoğlu, A. (2014). *Teoriden Pratiğe Türk Dış Politikası Üzerine Konuşmalar* [Conversations on Turkish Foreign Policy from Theory to Practice]. Küre Yayınları.
- Erşen, E. (2014). Geopolitical Codes in Davutoğlu's Views toward the Middle East, *Insight Turkey Vol. 16 / No. 1*
- EU Enlargement Policy*. European Council, Council of the European Union, (2023, December 18), <https://www.consilium.europa.eu/en/policies/enlargement/turkey/>
- Glossary Term: European Economic Community*. European Commission, (2023, November 29), <https://trade.ec.europa.eu/access-to-markets/en/glossary/european-economic-community>
- Haynes, J. (2007). *Religion and Development: Conflict or Cooperation?*. Palgrave Macmillan, <https://doi.org/10.1057/9780230589568>
- Haynes, J. (2012). *Religious Transnational Actors and Soft Power (1st ed.)*. Routledge. <https://doi.org/10.4324/9781315605142>

- Ilić, N. & Stojkovic, R. (2017). *The Development of The European Union*, Serbian Journal of Engineering Management Vol. 2, No. 2.
- Kibaroglu, M., (2012). What Went Wrong with the Zero Problem with Neighbors Doctrine?. *Turkish Policy Quarterly* 11, no. 3
- Milosavljević B. (2021). Turska spoljna politika i energetska savezništva, *Bezbednosni forum*, br.1, Evroazijski bezbednosni forum, Beograd, 2021, str. 93–113.
- Ministry of Foreign Affairs of the Republic of Turkey, (2010, May 20), *Article by H.E. Ahmet Davutoğlu published in Foreign Policy magazine (USA) on 20 May 2010*. https://www.mfa.gov.tr/article-by-h_e_-ahmet-davutoglu-published-in-foreign-policy-magazine-usa-on-20-may-2010.en.mfa
- Nye S. J. Jr. (2004). *Soft Power: The Means to Success in World Politics*. Public Affairs.
- Nye, S. J. Jr. (2012). China's Soft Power Deficit To catch up, its politics must unleash the many talents of its civil society, *The Wall Street Journal*. <https://www.wsj.com/articles/SB10001424052702304451104577389923098678842>
- Steiner, K. (2011). Religion and Politics in Singapore – Matters of National Identity and Security?. A Case Study of the Muslim Minority in a Secular State. *Osaka University Law Review*, 107-134. <https://ssrn.com/abstract=2342391>
- Štrbac, K. & Milosavljević, B. (2019). *Rusko-tursko energetska savezništvo i položaj Republike Srbije, [The Russian-Turkish energy alliance and the position of the Republic of Serbia]*. Zbornik Energetska diplomatija Republike Srbije u savremenim međunarodnim odnosima, Institut za međunarodnu politiku i privredu.
- Thomas, M. S. (2005). *The Global Resurgence of Religion and the Transformation of International Relations: The Struggle for the Soul of the Twenty-First Century*. Palgrave Macmillan.

Tomić, D. (2017). *Phases of the security risk in the decision-making process in the Republic of Bulgaria*. Serbian Journal of Engineering Management. Vol. 2. No. 2.

<https://doi.org/10.5937/SJEM1702042T>

Tüysüzogʻlu, G., (2014). *Strategic Depth: A Neo-Ottomanist Interpretation of Turkish Eurasianism*.

Da li je meka moć Republike Turske u zemljama Bliskog istoka dovoljna?

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Sažetak

Bez obzira na postojeće konflikte, dvadeset prvi vek je pretežno vek meke moći, najizraženije u Evropi. Turska, koja geografski pripada Evropi i Aziji, traži ostvarivanje svojih spoljnopoličkih prioriteta i menja svoju metodologiju vođenja spoljne politike. Korišćenje meke moći zasnovane na nacionalnoj kulturi, političkim vrednostima, religiji, ekonomiji, institucijama i međunarodnim odnosima na početku 21. veka predstavljalo je radikalna zaokret u poređenju sa ranijim istorijskim pokušajima. Kroz istoriju, Turska je koristila tvrdu moć u regionu, ali je bila uglavnom neuspešna. Stoga je priroda meke moći predstavljala priliku za jačanje Turske kao regionalne sile i kvalitativnu promenu negativnih stereotipa o ovoj zemlji. Međutim, očigledno je da meka moć u promenjenim regionalnim bezbednosnim okolnostima u poslednjim godinama druge dekade 21. veka nije dovoljna, pa je Turska ponovo počela koristiti tvrdu moć (vojnu) radi jačanja svoje vođstvene pozicije. Ovaj rad objašnjava meku moć Republike Turske u MENA regionu i nedavnu reorijentaciju ka kombinaciji vojne snage i diplomatskog uticaja u međunarodnim odnosima. Koliko će to preuređenje u spoljnoj politici pozicionirati Tursku u novim bezbednosnim i političkim okolnostima na početku treće dekade 21. veka ostaje da se vidi.

Ključne reči: meka moć, međunarodni odnosi, Republika Turska, Bliski istok

Vertical Mobility, the "Glass Ceiling" and Gender Discrimination: Perceptions of Female Police Officers

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Article Information•




Review Article • UDC: 351.74-052:305

Volume: 21, Issue: 1, pages: 223-241

Received: January 24, 2024 • Accepted: February 20, 2024

<https://doi.org/10.51738/Kpolisa2024.21.1r.223str>

Author Note

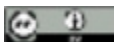
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We have no known conflict of interest to disclose.

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• Cite (APA): Spasić, D., Tomić, M., & Radovanović, I. (2024). Vertical Mobility, the "Glass Ceiling" and Gender Discrimination: Perceptions of Female Police Officers, *Kultura polisa*, 21(1), 223-241, <https://doi.org/10.51738/Kpolisa2024.21.1r.223str>



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Apstract

In Serbia women are still discriminated against in all aspects of their public and private lives. The security system, especially police, bears the consequences of structural inequalities. Our research deals with the position of women working in police units. The aim of the research was to define the identities of policewomen in Serbia through their perception of vertical advancement and exposure to gender discrimination. The research will be based on qualitative approach – interviews with women police officers. The sample will consist of 40 respondents from different police units, selected using the snowball method. Qualitative results indicated the presence certain doses of gender stereotypes in women, but also their impression that they are not completely professionally accepted by colleagues. The results indicate a structural gender segregation and marginalization, which is reflected in the imprisonment of women in narrow circle of administrative and auxiliary police work. The findings of this study will represent an important argument in the development and improvement of gender-sensitive regulation in the police, protection against discrimination and in the projection of its personnel structure and career advancement of employees under equal conditions.

Keywords: women police officers, Serbia, the glass ceiling, vertical advancement, gender discrimination

Vertical Mobility, the "Glass Ceiling" and Gender Discrimination: Perceptions of Female Police Officers

Introduction

Many authors rightly point out a divided perception of security. Namely, this concept cannot be narrowly and one-sidedly defined as freedom from threats, fear, and physical violence, as it also includes moral, ideological, and normative elements (see more: Bjelajac, 2016). Integration and vertical mobility of women within dominantly male professions, which includes the police profession, are part of the wider problem of gender inequality in the labour market and gender inequality at the level of global society (Silvestri, 2017; Witz, 2004; Butler et al., 2003; Fleming & Lafferty, 2002; Garcia, 2003; Brown, 2007). The position of women within male professions is less favorable, i.e. they achieve a lower professional achievement and that it is difficult to fit into the framework of male professions such as the police profession (Reva, 2012). Despite solid evidence that women and men are equally capable of performing police work (Silvestri, 2017; Martin & Jurik, 1996), widespread prejudices and practices in the selection of candidates for police work contribute to maintaining a low proportion of women in the police profession (Kakar, 2002; Brown, 2007; Fleming & Lafferty, 2002; Miller et al., 2003; Stojanović & Kesada, 2010; Kolin, 2009; Tomić & Spasić, 2010; Spasić et al., 2015; Spasić & Radovanović, 2019).

Many men in the police still maintain a very negative attitude towards female police officers in the performance of their duties, considering that they are physically incapable, insufficiently aggressive, too emotional, mentally weak, excessively naive, and finally, unable to gain the trust of citizens (Janković et al., 2020; Silvestri, 2017; Kakar, 2002), although crime suppression policy (see more: Bjelajac, 2015) excludes gender stereotypes and male supremacy. Women in the police achieve professional success and climb the vertical ladder. However, the glass ceiling still exists in the police on the way to senior management positions, and as such, exists exclusively for women.

Many of the obstacles that prevent vertical mobility are based on the social perception of the role of women that assigns them a biological role, which in the dominantly masculine police profession practically means that they are assigned auxiliary and administrative jobs (Brent, 2008).

The mechanisms of the glass ceiling can be various – uncertainty of the superior's assessment, unjustified fear of competition that is imposed based on the principles of nepotism or other self-interested motives, prolonged waiting for obtaining the appropriate professional rank, decision-making based on unclear criteria when selecting candidates for a higher management position, etc. Studies based on the oral testimonies of women who have felt the effects of these mechanisms show how demotivating and negative its impact is. (Essig & Soparnot, 2019; David & Woodward, 1998; Enwise Expert Group, 2003).

In the academic literature there are three basic directions in which the authors use this term. The first direction uses the term glass ceiling to explain the lack or absence of women in the upper management echelons of organizations, analyzing its effects on management positions, top management, management hierarchies and income distribution (Benschop & Brouns, 2009; Cotter et al., 2001). The glass ceiling in organizations represents inequalities that are of gender or racial origin, and which: cannot be explained by other professional characteristics for advancement required by the employer; are greater at higher levels of resources (earnings, power); are reflected in the chances of promotion to higher levels regardless of the proportion of employees, and which; are increased during the career (Babic & Hansez, 2021; Cohen et al., 2020). Another current of researchers analyzes the perception of individuals and groups about the existence of the glass ceiling. These authors believe that women are actually aware of the existence of the glass ceiling and manage their career and expectations related to it accordingly, that is, they form a perception of fear of advancement (Kim & Starks, 2016). The third group of researchers does not use the glass ceiling as a central term to explain the problem of gender inequality in professional

advancement, but uses it cautiously and mainly through research conclusions, so, for example, with the help of Bourdieu's concept of habitus and field, in one study they explain how women use habitus socially desirable man in order to break through the glass ceiling (Benschop & Brouns, 2009).

Women in the Serbian Police: Always a Woman, never a Colleague in "All Boys Club"

Research of gender inequality in professions in Serbia (Kolin, 2009; Tomić, 2019; Blagojević, 2006; Babović, 2010; Spasić, 2011; Reva, 2012) indicate that the position of women in key aspects such as promotion and salary is less favorable than on men. Some of the most important problems faced by employed women are obstacles in advancing to management positions in companies, lower pay for the same or jobs of equal value, compared to men (Zorić et al., 2008; Babović, 2010). In Serbia, the mass influx of women into the uniformed police began after 2000. Currently, there are very few uniformed, high-ranking women in the police force, they mostly do administrative work. When it comes to career development, they systematically focus on stagnant jobs because prestigious jobs generally require working outside normal working hours, frequent trips and long absences from home, which is an obstacle to maintaining a balance between family and profession (Deljkić et al., 2023).

Research on the integration and career advancement of women in the police in Serbia (Tomić, 2019), showed that women are aware of their position, but they justify it due to the adopted values of the patriarchal culture. They give priority to the safety and protection they receive at work, and on the other hand, they do not have enough resources to change their professional and personal position in society. They are, "naturally" mothers and housewives, so if they want to improve professionally, they have to coordinate their obligations so that neither family nor work suffers. But it's not just men who are gender insensitive, it's also women, because they tend to blame themselves for their non-advancement in the police career.

Research methodology

Current research will be based on interviews with women – police officers within the framework of a qualitative approach to the research problem, as semi-structured, that is, semi-standardized, directed in accordance with defined thematic entities. The aim of the research was to define the identities of female police officers through their subjective perception of vertical advancement and exposure to gender discrimination. Women make up 1/3 of the employees, but the percentage in managerial positions stagnates or decreases proportionally. Therefore, it is important to recognize the key factors that shape their perception of the police as a "system of (un)equal opportunities" and attitudes about the "glass ceiling" as obstacle in the integration and vertical mobility of women.

The key research questions that this study should answer are: 1) Did female police officers encounter obstacles during the recruitment process?, 2) What duties are entrusted to them within the police unit? and 3) What challenges and limitations do they face in the process of advancement in the police? The answers of the respondents should enable the verification of the validity of the basic hypothesis of this research: Professional integration and vertical mobility of women in the police services covered by the research, under the influence of gender inequality acting from the social, organizational and individual levels, are extremely unfavorable.

Participants

Research was conducted from May to August 2022 on a sample of 40 policewomen. Twenty-five participants had graduated from the four-year Police Academy while 10 of them had finished the Higher School of Internal Affairs, five participants graduated from another university. The length of their professional experience ranged from 2 to 25 years. According to the types of jobs they perform, 25 participants were uniformed police officers while 15 performed law enforcement operative and administrative jobs; likewise, 20

participants were employed in the Police Directorate; 20 were employed in the Criminal Justice Police and administrative offices.

Data collection

The greatest challenge in the course of forming the sample was finding participants in rural and middle-sized police stations and making contact with them. The first contacts were with the women from town police agencies on the basis of personal acquaintances and files from the Police Academy that helped the researchers to make an initial list and later use the "snowball sampling" method. The research was conducted through direct interviews in the canteens of police stations, restaurants, parks, participants' offices and other suitable places. Although the duration of the interviews varied from 30 min to 2h, the average duration was 1h. During each interview, notes were taken, and each interview was taped with the subject's consent. These were coded using an opened-ended approach. After the first reading, tags corresponding to relevant research issues were placed on the transcriptions by hand.

We analyzed the data from the research on three levels – social, organizational and individual. The social level is a field in which women have a subordinate position in the patriarchal one, i.e. dominantly male culture. From the social level, pressure is exerted first through the mechanism of socialization (from the primary family and, later, the professional environment), and then through the mechanisms of discrimination, professional exclusion (negative integration) and segregation in the labour market. At the organizational level in the police, we analyzed gender relations, the current scheme of the gender regime, as well as the effects and mechanisms of the glass ceiling.

We adopted "Glass ceiling" and gender regime as adaptable concepts in relation to the research context with reference to the authors David & Woodward (1998); Benschop & Brouns (2009); Koenig et al., (2011). At the level of a woman as an individual, the influence of the mechanism of "dual" careers – family and business, seems extremely difficult both for professional integration and for

advancement within the police structure. Through interviews we tried to look at three levels of perception of the interviewees:

- Perception of the fairness of the division of household duties (individual level),
- Perception of different treatment at work (organizational, collective),
- Perception of advancement, motivation and future in the police (social).

Results

Due to the scope of the work and the size of the sample, we will present the key and common findings as answers to the research questions and as results of testing the hypothesis.

Perception of the fairness of the division of household duties

Sanja (30 years old, married, has one child, Police Academy, 6 years of work experience): *I prefer to finish household chores myself. Men's repairs and other things are done by the husband. For a while, I was alone with a one-and-a-half-year-old child whom I took to kindergarten every morning. After work I pick up the child, we go home. And I really struggled and it was hard for me.*

Milena (36 years old, married, has one child, Police Academy, police officer, 12 years of work experience): *Family obligations are something that is taken for granted for a woman. Family should come first, then everything else. Mostly all the housework and work around the child falls on me. I married a typical Balkan man. In our country, there are no strict classical divisions, but it is known what a woman does and what a man does.*

Vesna (30 years old, married, no children, master of law, police inspector, 5 years of work experience): *I have been married for two years, but we still have no children. My husband is a colleague, but he works at the MUP headquarters. As for household chores, I have learned to do everything and it is not difficult for me. Sometimes my*

husband helps me with something. It's neither too hard work nor too much for me. I mean, what else would I be doing?

Sara (53 years old, married, has one child, Higher School of Internal Affairs, police inspector, 18 years of work experience): *In my family, the division of labour is such that I do all the household chores, except for buying groceries. As a woman, I feel good in my own skin. I am a wife and mother first, and then a police officer. So my priority is family, and only then work, and in that sense I never felt threatened.*

Perception of differential treatment at work

Gordana (49 years old, married, has one child, Higher School of Internal Affairs, police officer, 25 years of work experience): *My first job was in the office. Mostly women work there, our boss was a man.. When I finished college, I worked in the fraud and counterfeiting department. At that time there were very few women, especially in the criminal administration. When I started working, I was the only woman. Today, the entire department has about 100 inspectors and 8 female inspectors.*

Maria (39 years old, married, has one child, analyst, 13 years of work experience, mid-level management position): *I wanted a real police job. But it wasn't until I started working in the office that I realized that I wanted it wrong. Because I am a woman and I would not be able to manage both family and work. It takes a lot of effort to achieve being an operational police officer. House, shifts, children, family. It would take a lot of mental and physical investment to achieve that... I'm a general crime analyst. The work is interesting, dynamic, but analytics in the police has always been secondary. The analytical service is mostly a female collective.*

Lena (49 years old, married, has two children, graduate special education teacher, police inspector, 25 years of work experience): *When I finished the course for police officers, I started working at the Voždovac police station. And I start as a police officer on the street. Then I worked as a shift leader and was in a position to coordinate work, direct people to the field. My colleagues were suspicious, but I*

managed well and fit in. I was the first female shift leader at Voždovac. I worked there for two years. During that period, we worked in 4 shifts. Then I received an invitation for the position of deputy head of the shift in the Operations Center, where my faculty would be recognized. I accepted it, I came here and was the first woman, the deputy head of the shift.

Perception of advancement, motivation and future in the police

Ivana (33 years old, married, no children, Faculty of Economics, analyst, 6 years of work experience): *Men progress more easily in operational jobs. And women's years of seniority are subtracted from pregnancy and maternity leave, so they don't have an annual performance evaluation. Men are much freer in interpersonal relationships, which are needed to change the workplace and to advance, than women. Men can definitely be exposed to a lot more stress than women without just realizing it. They are definitely emotionally and mentally stronger than women.*

Zorica (37 years old, married, has one child, graduate special education teacher, police inspector, 10 years of work experience): *When I talk about women who start working in the police, I think that they primarily want to solve an existential issue, and that they are not ambitious in professionally, to be operational workers, field policemen. I think that women are generally oriented towards safe, government work, they are assigned without problems to logistics and administrative services. There are few women who like and want to work in uniform, or as police inspectors. It seems to me that a bigger problem is the fact that one is promoted in the police through connections, connections and protection are the ballast of the police.*

Jelena (34 years old, married, no children, Higher School of Internal Affairs, police inspector, 10 years of work experience): *Women in management positions are mostly emotional. They are basically not ambitious in the sense that they like to be the boss, they would rather sit in an office, not have a responsible job and know that they will go home without the worries that come with a high office. I think that*

women make it difficult for themselves to progress and professional affirmation because they are not dedicated to work, because security is more important to them, and because they do not have the qualities of a leader, they are more emotional and softer, and on the other hand, they are hindered by family and children. Furthermore, women come to the police to get married. In this way, they solve another existential question because here it is easier to find a husband, a partner, they are surrounded by men.

Analysis and discussion

The markedly masculine gender regime in the police, traditionally maintained by a police culture that does not recognize women's equality in the performance of police work, affects the assignment of newly arrived young women to administrative jobs or mixed patrols, and the structure of the leadership staff, which is predominantly male, creates a masculinity climate in which the professional affirmation of women in the police is repeatedly limited (Schuck & Rabe-Hemp, 2005; Rabe-Hemp, 2009; Spasić et al., 2015; Janković et al., 2020).

Understanding the factors that influence the professional stagnation and marginalization of women in the police from their personal perspective, this research showed that they are restrained from the social, institutional and personal field by maintaining the dominant position of men, to which they submit without of active resistance (Dick & Jankowitz, 2001; Harrington, 2002; Bacik & Drew, 2006; Rabe-Hemp, 2009). Their marginalized position, segregation and covert discrimination by men in the police, and men in private life, has a cause in gender socialization, learned patterns of behavior and accepted stereotypes. They give priority to the safety and protection they receive at work, and on the other hand, they do not have enough resources to change their professional and personal position in society (Spasić et al., 2015; Deljkić et al., 2023). The men who surround them are completely gender insensitive, because they do not see their overload (Balkin, 1988). They are, "naturally" mothers and housewives, so if they want to improve professionally, they simply have

to balance their obligations so that neither family nor work suffers (Bacik & Drew, 2006).

At the social level, there are three basic negative mechanisms that prevent women from professional affirmation: gender division of labour, patriarchal socialization and the dominance of masculinity (Walby, 1990; Connel, 2005; Burdie, 2001; Godenzi, 1999; Brown, 2007). We also used the scheme of researchers Chan, Doran and Marel (Chan et al., 2010) to show how women behave in accordance with assigned gender roles in the police (doing gender) (Balkin, 1988; Butler et al., 2003; Spasić, 2011) based on the fact that a woman is burdened with work and family care, that the "dual career" factor makes it difficult and slows down her professional affirmation (Kakar, 2002; Reva, 2012).

Within the division of jobs in the police, women are assigned jobs that are typically female (administration, administrative jobs, juvenile delinquency jobs, counter jobs, etc.). In this way, we observe that the division of labour in the police organization follows the division of labour in the labour market (Garcia 2003; Reva, 2012; Janković et al., 2020). This phenomenon indicates a stubborn process of job segregation in the police organization, which is under the influence of social gender inequalities in the labour market and under the influence of the internal structure of the police organization, which is predominantly male (Deutsch, 2007).

The behaviors of women employed in the police, which are gender conditioned, i.e. their occupation of gender-preferred roles, is the manifestation of the ability to play culturally prescribed stereotypes, which is extremely noticeable in the police profession because they are in a male-dominated profession (Rabe-Hemp 2009; Tomić & Spasić, 2010; Silvestri 2017). This turned out to be true in this research, because all the respondents are part of a male-dominated collective. A smaller number of respondents said that they do not behave in a typical female way, but that women in the police are expected to behave and work differently from men (Paoline & Terrill, 2004). It can be concluded that this practice is a kind of established way of reproducing cultural patterns and stereotypes in the

police, justifying the gender division of work and roles in the police and in society (Schuck & Rabe-Hemp, 2005). While self-expressing gender, the women in the study described themselves and their colleagues through a set of behaviors and traits that range from more empathy in working with citizens and colleagues to better communication with them, compared to fellow police officers (Harrington, 2002).

In this way, they defined a feminized version of police work, and differentiated themselves from their male colleagues, emphasizing that they too can do police work, but in a different way. In conclusion, female police officers occupy a certain position in a male-dominated organization, which is lower and subordinate, but which is at the same time unique because it combines a typically male profession and typically female traits.

Conclusion

The career advancement of women in the Serbian police is not only influenced by factors such as police structures, norms, etc., but also by their personal experiences and the roles they perform simultaneously, i.e. the dual role in professional and family life. The conflict arises due to the conflict of different fields in which these roles are promoted (problem in the hierarchy of different motives, such as success, power, prestige, money, on the one hand, and sacrifice for children and family, on the other), and due to the impossibility of giving priority to one of them, in order to resolve the tension in that way.

There is a double standard for women in the police profession: they are criticized for being passive, timid, but equally condemned for being "too aggressive" or "too masculine", which means they are not "feminine" enough. Women are really caught in a double bind, often losing, no matter which way they go. In such circumstances, a system of professional and personal relationships is created at the workplace characterized by the dominance of men through sheer numbers, and is reflected in decision-making systems of authority, heterosexism, subjugation of women, as well as possible demonstrations of force.

Indirect gender discrimination in the Serbian police exists, because seemingly neutral norms, criteria and practices that are directly related to the admission and assignment of women according to the lines of work in certain services, make it impossible (on the basis of gender) for women as a group to achieve their full professional and personal potential, thus which will prove that they are equal with men, but they do not get an institutional opportunity for it.

References

- Babic, A. & Hansez, I. (2021). The glass ceiling for women managers: antecedents and consequences for work-family interface and well-being at work. *Frontiers in Psychology* 12: 1-17. <https://doi.org/10.3389/fpsyg.2021.618250>
- Babović, M. (2010). *Rodne ekonomske nejednakosti u komparativnoj perspektivi: Evropska unija i Srbija* [Gender economic inequalities in a comparative perspective: European Union and Serbia]. Sociološko udruženje Srbije i Crne Gore, Institut za sociološka istraživanja Filozofskog fakulteta u Beogradu i SeConS – Grupa za razvojnu inicijativu.
- Bacik, I. & Drew, E. (2006). Struggling with juggling: Gender and work/life balance in the legal professions. *Women's Studies International Forum* 29(2): 136–146.
- Balkin, J. (1988). Why policemen don't like policewomen. *Journal of Police Science and Administration* 16(1): 29–38
- Benschop, Y. & Brouns, M. (2009). The trouble with the glass ceiling. Critical reflections on a famous concept. *4 th International Critical Management Studies Conference. The Intersection of critical management research and organizational practice.*
- Bjelajac, Ž. (2015). *Politika suzbijanja kriminaliteta* [Crime Suppression Policy]. Pravni fakultet za privredu i pravosuđe u Novom Sadu.

- Bjelajac, Ž. (2016). Sektorski pristup bezbednosti – analitički okvir kompleksne bezbednosne dinamike [Sectoral approach to security – analytical framework of complex security dynamics]. *Kultura polisa*, 13(31): 303–315.
- Blagojević, M. (2006). *Rodni barometar – društveni položaj i kvalitet života žena i muškaraca*. [Gender barometer - social position and quality of life of women and men]. Ažin.
- Brent, S. (2008). *Female participation in the police promotion process: are women competing for promotion in numbers proportionate to their statistical representation in policing?* Department of Political Science. The University of Western Ontario.
- Brown, J. (2007). From cult of masculinity to smart macho: gender perspectives on police occupational culture. Police occupational culture, New debates and directions. *Sociology of crime, law and deviance* 8: 205-226.
- Bourdieu, P. (2001). *Masculine Domination*. Stanford, Stanford University Press.
- Butler, E., Winfree, T., & Newbold, G. (2003). Policing and gender: Male and female perspectives among member of the NZ police. *Police Quarterly* 6(3): 298-329.
- Chan, J., Doran, S., & Marel, C. (2010). Doing and undoing gender in policing. *Theoretical Criminology* 14(4): 425–446.
<https://doi.org/10.1177/1362480610376408>
- Cohen, J. R., Dalton, D. W., Holder-Webb, L. L., & McMillan, J. J. (2020). An analysis of glass ceiling perceptions in the accounting profession. *J. Bus. Ethics* 164: 17–38.
<https://doi.org/10.1007/s10551-018-4054-4>
- Connell, R. (2005). Advancing gender reform in large-scale organisations: A new approach for practitioners and researchers. *Policy and Society* 24(4): 5–24.
- Cotter, D., Hermsen, J.M., Ovadia, S., & Vaneman, R. (2001). 'Glass ceiling effect.' *Social Forces* 80(2): 655-682.

- David, M. & Woodward, D. (1998). *Negotiating the glass ceiling: careers of senior women in the academic world*. UK Falmer Press.
- Deljkić I., Malis-Sazdovska, M. & Spasić, D. (2023). Gender balance in the criminal justice system: Bosnia and Herzegovina, North Macedonia, and Serbia. In Angelina Stanojoska, Darko Dimovski, Elena Maksimova (eds.). *The Handbook on Female Criminality in the Former Yugoslav Countries*, pp. 261-293. Springer Cham. <https://doi.org/10.1007/978-3-031-27628-6>
- Deutsch, F.(2007). Undoing gender. *Gender & Society* 21(1): 106-27.
- Dick, P., & Jankowitz, D. (2001). A social constructionist account of police culture and its influence on the representation and progression of female officers: A repertory grid analysis in a UK police force. *Policing: An International Journal of Police Strategies & Management* 24(2): 181–199.
- Enwise Expert Group (2003). Waste of talents: Turning private struggles into a public issue. *Women and science in the enwise countries: A report to the European Commission*. Brussels: Directorate-General for Research.
- Essig E., & Soparnot R. (2019). Re-thinking gender inequality in the workplace – a framework from the male perspective. *M@n@gement* 22(3): 373-410.
- Fleming, J., & Lafferty, G. (2002). Equity confounded? New managerialism, organisational restructuring and women in Australian police service. Paper presented to the 3rd Australian women and policing conference Canberra.
- Garcia, V. (2003). Difference in the police department: Women, policing, and "Doing gender". *Journal of Contemporary Criminal Justice* 19: 330-344.
- Godenzi, A. (1999). Style or substance: Men's response to feminist challenge. *Men and Masculinities* 1(4): 385-392.
- Harrington, P. (2002). Advice to women beginning a career in policing. *Women & Criminal Justice* 14(1): 1–13.

- Janković, R., Spasić, D., Koropanovski, N., Subošić, D., Dopsaj, M., Vučković, G., & Dimitrijević, R. (2020). Physical abilities and gender differences: Binary logic or gender dualism of the police organisation. *Revija za kriminalistiko in kriminologijo* 71(4): 283-296.
- Kakar, S. (2002). Gender and police officers perceptions of their job performance. *Criminal Justice Policy Review* 13(3):238-256.
- Kim, D., & Starks, L. T. (2016). Gender diversity on corporate boards: Do women contribute unique skills? *American Economic Review* 106(5): 267-271.
- Koenig, A. M., Eagly, A. H., Mitchell, A., & Ristikari, T. (2011). Are leader stereotypes masculine? A meta-analysis of three research paradigms. *Psychol. Bull.* 137: 616-642.
<https://doi.org/10.1037/a0023557>
- Kolin, M. (ur.) (2009). *Rodne nejednakosti na tržištu rada u Srbiji i podsticanje evropskih integracija*. [Gender inequality in the labour market in Serbia and the promotion of European Evropski pokret u Srbiji.
- Martin, S., & Jurik, N. (1996). *Doing justice, doing gender: Women in law and criminal justice occupations*. Thousand Oaks, Sage.
- Miller, S. L., Forest, K. B., & Jurik, N. (2003). Diversity in blue: Lesbian and gay police officers in a masculine occupation. *Men and Masculinities* 5(4): 355-385.
<https://doi.org/10.1177/0095399702250841>
- Paoline, E., & Terrill, W. (2004). Women police officers and the use of coercion. *Women & Criminal Justice* 15(3-4): 97-119.
- Rabe-Hemp, C.E. (2009). POLICEwomen or policeWOMEN? *Feminist Criminology* 4(2): 114-129.
- Reva, A. (2012). *Gender inequality in the labour market in Serbia*. World Bank.
- Schuck, A., & Rabe-Hemp, C. (2005). Women police. *Women & Criminal Justice* 16(4): 91-117.

- Silvestri, M. (2017). Police culture and gender: Revisiting the cult of masculinity. *Policing: A Journal of Policy and Practice* 11(3): 289–300. <https://doi.org/10.1093/police/paw052>
- Spasić, D. (2011, January–April). Police culture and gender identity. *Western Balkans Security Observer* 6(19): 25–35.
- Spasić, D., Đurić, S., & Mršević, Z. (2015). Survival in an “all boys club”: Policewomen in Serbia. *Women’s Studies International Forum* 48: 57–70.
- Spasić, D., & Radovanović, I. (2019). “Always a woman, never a colleague”: Policewomen in Serbia. *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 24(1): 31–40.
- Stojanović, S., & Kesada, K. (ur.) (2010). *Rod i reforma sektora bezbednosti u Republici Srbiji* [Gender and security sector reform in the Republic of Serbia]. Beogradski centar za bezbednosnu politiku.
- Tomić, M., & Spasić, D. (2010). Maskulinitet u profesijama [Masculinity in professions]. *Antropologija*, 10(1): 95-110.
- Tomić, M. (2019). Žene u policijskoj profesiji i osvrt na stanje u srpskoj policiji [Women in the police profession and a review of the situation in the Serbian police]. *Temida*, pp. 289-317. <https://doi.org/10.2298/TEM1903289T>
- Witz, A. (2004). *Professions and patriarchy*. Taylor & Francis e-Library.
- Walby, S. (1990). *Theorizing patriarchy*. Blackwell.
- Zorić, J., Dičić, N., & Petković, N. (2008). *Radna prava žena u Srbiji* [Women's labour rights in Serbia]. Beogradski centar za ljudska prava.

Vertikalna mobilnost, „stakleni plafon“ i rodna diskriminacija: percepcija žena – policijskih oficira

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Sažetak

U Srbiji su žene i dalje diskriminisane u svim aspektima javnog i privatnog života. Sistem bezbednosti, posebno policijski, trpi posledice strukturalnih nejednakosti. Naše istraživanje se bavi položajem žena koje rade u policijskim jedinicama. Cilj istraživanja je bio da se definišu identiteti policajki u Srbiji kroz njihovu percepciju vertikalnog napredovanja i izloženosti rodnoj diskriminaciji. Istraživanje se zasnivalo na kvalitativnom pristupu – intervjuima sa ženama policajcima. Uzorak je činilo 40 žena, ispitanika iz različitih policijskih jedinica, odabranih metodom „snežne grudve“. Kvalitativni rezultati ukazuju na prisustvo određenih rodni stereotipa kod žena, ali i na njihov utisak da nisu u potpunosti profesionalno prihvaćene od strane kolega. Rezultati ukazuju na strukturnu rodnu segregaciju i marginalizaciju, koja se ogleda u zatvaranju žena u uski krug administrativnih i pomoćnih policijskih poslova. Nalazi ove studije predstavljaju važan argument u razvoju i unapređenju rodno senzitivne regulative u policiji, zaštiti od diskriminacije i projekciji njene kadrovske strukture i karijernog napredovanja zaposlenih pod jednakim uslovima.

Ključne reči: žene policajke, Srbija, stakleni plafon, vertikalno napredovanje, rodna diskriminacija

The Significance of the Law on Amicable Resolution of Labor Disputes and the Review of the Practice Thus Far

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Article Information•

Review Article • UDC: 349.2:341.62

Volume: 21, Issue: 1, pages: 242-265

Received: June 7, 2023 • Accepted: October 28, 2023

<https://doi.org/10.51738/Kpolisa2024.21.1r.242lmj>

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We have no known conflict of interest to disclose.

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- Cite (APA): Lakićević, S., Matijašević, J., Jakovljević, M. (2024) The Significance of the Law on Amicable Resolution of Labor Disputes and the Review of the Practice Thus Far. *Kultura polisa*, 21(1), 242-265, <https://doi.org/10.51738/Kpolisa2024.21.1r.242lmj>



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Abstract

During the work process, numerous instances of dispute regarding the positions of the employees, or the interpersonal relations between them or between them and their employer may arise. In addition to the traditional judicial method of labor dispute resolution, it is necessary to develop independent and impartial negotiation mechanisms between the parties in the area of individual and collective labor disputes. In Serbia, these are certainly the arbitration settlement of individual and collective labor disputes, and conciliation as a method of resolving collective labor disputes within and through the Republic Agency for Peaceful Settlement of Labor Disputes. There are many benefits to peaceful labor dispute settlement. The goal of supplementary procedures, i.e. procedures for peaceful labor dispute resolution, is to relieve the traditional judicial approach and direct it to the procedures where a judicial settlement of the dispute is truly necessary. Besides the concept, advantages and characteristics of the amicable labor dispute settlement procedures, certain types of these procedures such as mediation, conciliation and arbitration are also analyzed in the theoretical section of this paper, as well as the most important provisions of the Employment Act and the Law on Amicable Resolution of Labor Disputes. In the research section of this paper, the practice of the Republic Agency for Peaceful Settlement of Labor Disputes in the procedures of amicable labor dispute settlement, both for the territory of the Republic of Serbia and the territory of the City of Novi Sad, is analyzed. The primary research data source was the official data of the Republic Agency for Peaceful Settlement of Labor Disputes. The paper is methodologically based on a theoretical analysis of relevant contemporary theoretical views, a normative analysis of legislative sources, and a quantitative analysis of statistical indicators in the domain of the research subject.

Keywords: labor dispute, mediation, conciliation, arbitration, the Republic Agency for Peaceful Settlement of Labor Disputes, The Republic of Serbia.

The Significance of the Law on Amicable Resolution of Labor Disputes and the Review of the Practice Thus Far

Introduction

The right to work is a fundamental human right whose realization presents a challenge for every community (see more: Bjelajac, 2003). During the work process, numerous instances of dispute regarding the positions of the employees, or the interpersonal relations between them or between them and their employer may arise. Regardless of the cause of the dispute, conflict management in the workplace is an important element of preventing the potential judicial labor dispute settlement, that is, it is an integral part of peaceful labor dispute resolution process.

Amicable labor dispute resolution "is an effective out-of-court means for ensuring the exercise of those rights and leads to inclusive access to justice in a faster and more economical way" (Marković et al., 2022, p. 5).

Although judicial protection of employees' rights is a far more common form of protection, amicable labor dispute resolution "has been increasingly gaining importance in the last decades, primarily due to the quick dispute resolution and the insistence on negotiation and finding a compromise solution" (Kovačević-Perić & Boranijašević, 2017, p. 645). Observing the international and national standards and practices, it became clear years ago that the traditional judicial method of labor dispute resolution should be of a secondary nature. When a disagreement, that is, an individual or collective labor dispute occurs, the primary objective should be the prevention of court proceedings, and it is precisely through the procedure of peaceful labor dispute settlement that it should be done. Therefore, "dispute settlement, apart from traditional judicial methods, should also be directed upon negotiations between the parties or independent and impartial mechanisms such as arbitration settlement of individual and collective labor disputes, and conciliation as a method of resolving collective

labor disputes within and through the Republic Agency for Peaceful Settlement of Labor Disputes” (Lazović, 2018, pp. 8-9).

There are many benefits to peaceful labor dispute settlement. In addition to the wide range of labor disputes that can be resolved amicably, “the advantages of out-of-court methods of labor dispute settlement are numerous and are recognized by international instruments for the protection of social and economic rights. First of all, this procedure enables quick, economical and efficient resolution of disputed issues, and is therefore adapted to the circumstances of employment relations. On the other hand, the procedure contributes to fostering the culture of dialogue, reducing tensions and increasing the trust between the disputing parties. It also contributes to the faster normalization of the work process, especially in the case of successful resolution of collective labor disputes resulting from a strike” (Marković et al., 2022, pp. 5-6).

Amicable dispute resolution “refers to a range of diverse procedures that are carried out in a more or less informal manner, that is, by avoiding the initiation of court proceedings. The authors agree that conciliation, mediation and arbitration can be denoted as out-of-court mechanisms for labor dispute settlement. Some, however, go further, and identify additional mechanisms, such as preventive action of the labor inspection, the actions of some other specialized state bodies, as well as collective bargaining, which can be a factor in dispute resolution, but also a factor in dispute prevention” (Reljanović & Misailović, 2021, pp. 26-27).

Although in theory peaceful labor dispute settlement is often referred to as an ‘alternative’ way of resolving a labor dispute, some authors believe that this is not an acceptable term after all, “because peaceful dispute resolution is not an alternative to court proceedings. The term ‘supplementary’ labor dispute resolution is more appropriate, because it is exactly that - a supplementary, subsidiary mechanism for resolving disputes. The purpose of such methods is to reduce the courts’ caseloads and to direct their operations to the cases where judicial intervention is truly needed” (Spencer & Hardy, 2014, p. 7).

Mediation – conciliation – arbitration

In the most general sense, “mediation includes different types of procedures, in which a third party (who has no direct interest in the particular dispute) intervenes in different ways and with various kinds of authority, with the aim of helping the adverse parties end the dispute amicably” (Jagtenberg & De Roo, 2018, p. 187). Therefore, mediation is “a procedure in which a neutral third party helps the disputing parties to reach a settlement, but without the authority to make a binding decision on the dispute, which is its main difference compared to arbitration” (Uzelac, 2021).

According to Reljanović and Misailović (2021, p. 27), “mediation is similar to conciliation, but it presupposes a more active role of the mediator, who does not only relay information between the parties, but is also an active negotiator”. The mediator’s involvement “aims to resolve an ongoing dispute (and in that sense can propose non-binding solutions to the parties), but also to help reach an agreement by overcoming the disputing issues without declaring any party as responsible – that is the essential difference between mediation and arbitration” (Reljanović & Misailović, 2021, p. 27).

Unlike mediation, “conciliation is the mildest degree of external intervention in a dispute. The conciliator may subtly hint at a just resolution, but must not communicate their own opinion on the dispute and must not make recommendations on how to resolve it. In fact, the conciliator opens communication between the adverse parties and helps them reach a compromise solution, through mutual understanding, which is why exceptional diplomatic skills are required” (Jovanović, 2022, p. 335). Conciliation is “a non-confrontational method of labor dispute settlement, which is both efficient and economically profitable” (Počuča & Mirković, 2009, p. 110).

As Božović (2016, p. 57) states, “the mediator plays a more active role than the conciliator, investigates the relevant facts, and is authorized to present his proposal for the dispute resolution in the form of a legally non-binding recommendation. This recommendation has a

moral effect and its 'strength' depends on the quality of the arguments that justify it".

It is important to highlight that "conciliation and mediation can be used in all types of labor and social disputes, including disputes regarding the termination of employment contracts, but they are most often used in interest labor disputes. Due to the similarity between the conciliation and mediation processes, joint institutions are most often established for both dispute resolution mechanisms, under different names - services, committees, commissions, etc." (Božović, 2016, p. 57).

The Law on Amicable Resolution of Labor Disputes of the Republic of Serbia (Narodna skupština Republike Srbije, 2004) established the Republic Agency for Peaceful Settlement of Labor Disputes which performs "professional duties relating to amicable resolution of collective and individual disputes, selection of conciliators and arbiters, keeping the Directory of conciliators and arbiters, professional training of conciliators and arbiters, decisions on challenge of conciliators and arbiters, records on procedures of amicable labor dispute resolution procedures, as well as other statutory duties. The Republic Agency for Peaceful Settlement of Labor Disputes is a special organization".

Unlike conciliation and mediation, "arbitration is a way of engaging a third party who will act as an agent of dispute resolution on the basis of submitted evidence, that is, established facts. The arbiter's task is fundamentally different from the conciliators' and mediators' duties – the arbiter decides on which disputing party is at fault, not trying to reconcile their interests, but resolving the dispute in accordance with the interpretation of regulations and specific circumstances. As a rule, the arbitrator's decision is binding, and depending on how the arbitration is regulated, it can be final and enforceable" (Reljanović & Misailović, 2021, p. 27).

Legislative solutions in the area of peaceful labor dispute settlement are contained in the provisions of the Employment Act (Narodna skupština Republike Srbije, 2005), the Law on Amicable Resolution of Labor Disputes (Narodna skupština Republike Srbije,

2004), and the Rulebook on Procedure for Peaceful Settlement of Labour Dispute (Ministarstvo rada, zapošljavanja i socijalne politike, 2005).

In the following section, the most important provisions of the Employment Act and the Law on Amicable Resolution of Labor Disputes shall be analyzed.

Amicable labor dispute resolution according to the provisions of the Employment Act

Amicable labor dispute resolution as a possibility “was introduced in our legislation in 2004, while collective agreements were introduced into the labor legislation system as early as 1989” (Lazović, 2018a, pp. 103-104).

Although Article 13 establishes the employees’ right to peaceful settlement of collective and individual labor disputes, the current Employment Act (Narodna skupština, 2005) does not contain any detailed provisions in this area. The provisions of Article 194 of the Employment Act (Narodna skupština, 2005) concerning the protection of the employees’ individual rights provide for the possibility of amicable settlement of disputed issues between the employer and the employee, which is done before an arbiter. According to these provisions, “the arbiter shall be consensually selected by the disputing parties from the ranks of experts in the field under dispute. The time limit for initiating the proceedings before the arbiter is three days from the day the decision has been served to the employee. The arbiter is obligated to render a decision within 10 days from the day the request for amicable resolution of disputed issues has been filed. During the arbitration proceedings regarding the termination of the employment contract, the employment relationship is suspended. The arbiter’s decision is final and binding for the employer and employee”.

The provisions of paragraph 2 of Article 239 of the Employment Act (Narodna skupština, 2005) stipulate that “a trade union, or employers’ association whose representativeness has been determined pursuant to the present Act, is entitled to, among other things, take

part in resolving collective labor disputes". Furthermore, Article 265 prescribes the resolution of disputes in such a way that "disputed issues in the implementation of collective agreements may be resolved by arbitration set up by the parties partaking in the collective agreement, within 15 days since the day the dispute has occurred. The arbitration decision on a disputed issue is binding to the parties. The composition and method of arbitration are regulated by the collective agreement".

According to Kulić (2007, p. 369), "the Employment Act, thus, prescribes dual rules for the resolution of disputed issues, namely the rules regarding the settlement of interest collective labor disputes and rules regarding the settlement of legal collective labor disputes".

Peaceful labor dispute settlement according to the provisions of the Law on Amicable Resolution of Labor Disputes

In accordance with the provisions of paragraph 1 of Article 1, this law "stipulates method and procedure of amicable resolution of collective and individual labor disputes, selection, rights and duties of conciliators and arbiters and other issues relevant for amicable labor dispute resolution". The Law on Amicable Resolution of Labor Disputes (Narodna skupština, 2004) stipulates "the settlement of labor disputes shall be done according to a procedure that is significantly different from the procedure and method prescribed by the Employment Act" (Kulić, 2007, p. 370).

A collective labor dispute, in terms of the provisions of Article 2, "is a dispute regarding: the conclusion, amendments and/or supplements of a collective agreement; the implementation of the collective agreement as a whole or certain provisions thereof; the implementation of general rules that regulate the rights, obligations and responsibilities of employees, employers and trade unions; exercising the right of organization into trade unions and acting as such, and exercising the right to determine the representativeness of trade unions with employers; strike; exercising the rights of

information, consultation and the participation of employees in management, pursuant to the law; determining the minimal service, in accordance with the law" (Narodna skupština, 2004). A party in a collective dispute "is considered to be the employer, trade union, authorized employee representative, employees, strike committee, public companies' founder, for-profit corporations founded by a public company, for-profit corporations and public services founded by the Republic, autonomous province or local self-government unit" (Narodna skupština, 2004).

An individual labor dispute, in terms of the provisions of Article 3, "is a dispute regarding: the termination of employment contract; working hours; exercising the right to annual leave; payment of salaries/wages, reimbursement of salaries/wages and minimum wage in accordance with law; reimbursement of expenses for meals at work, reimbursement for expenses for commuting to and from work, payment of annual holiday allowance and reimbursement of other expenses in accordance with law; severance pay upon retirement, jubilee benefits and other incomes in accordance with the law; workplace discrimination and harassment" (Narodna skupština, 2004). A party in an individual dispute, "is considered to be the employee and the employer, except in the case of workplace discrimination and harassment, where the disputing parties are determined in accordance with law" (Narodna skupština, 2004).

Conciliation, in terms of the Law on Amicable Resolution of Labor Disputes (Narodna skupština, 2004), is "a procedure in which a conciliator assists the parties in a collective dispute with the aim to conclude an agreement on dispute resolution, or in which a conciliator gives the parties in a collective dispute a recommendation on the method of dispute settlement, and arbitration is a procedure in which an arbiter decides on the matter of an individual dispute".

It is important to note that the two basic principles which the legal text is based upon are "the principle of voluntary participation – according to which the participants in the conclusion of a collective agreement are free to decide voluntarily on the participation of a conciliator in collective bargaining" (Narodna skupština, 2004, Article

5) and "the principle of independence and impartiality – according to which the conciliator, or the arbiter works independently and is obligated to act impartially in the procedure of amicable labor dispute settlement" (Narodna skupština, 2004, Article 6).

According to Marković et al. (2022, p. 8), "the latest amendments to the Law on Amicable Resolution of Labor Disputes (Narodna skupština, 2004) made in 2018 have contributed to significant changes in this area, all with the aim of clarifying the disputed provisions and improving the normative framework. One of the most important changes is definitely the expansion of jurisdiction. In terms of collective labor disputes, jurisdiction extends to labor disputes concerning the exercise of the right to determine the representativeness of the trade union with the employer, as well as the implementation of the collective agreement as whole or certain provisions thereof. In addition, it also includes collective labor disputes over determining the minimal service, in accordance with the law".

The amendments to the law enabled "the prioritization of an amicable resolution of individual labor disputes and the expansion of the jurisdiction for labor disputes regarding all the employment financial claims, termination of employment contracts and working hours, as well as the introduction of the possibility of hiring an expert, the possibility that cases of harassment can be amicably resolved and that employed persons can be parties in a dispute before the Agency in the event of workplace discrimination and harassment , the possibility to extend the deadline for ending the procedure for the peaceful settlement of collective labor disputes, a closer and more complete determination of the 'preventive' role of the conciliator in the process of collective bargaining, etc." (Marković et al., 2022, pp. 8-9).

Lazović (2018a, p. 105) points out that "the peaceful labor dispute settlement procedure is initiated by filing the Motion for the Initiation of the Procedure to the Republic Agency for Peaceful Settlement of Labor Disputes. The basic elements of the Motion are: name, surname and address, or name and head office of the disputing parties, as well as the subject of the dispute. In the addition to the Motion, the disputing parties are obligated to submit the available

documentation related to the subject of the dispute. The disputing parties may jointly file the Motion, but if that is not the case, the procedure continues with the Agency submitting the Motion and the accompanying documentation to the other party, which is required to declare within 3 days whether it accepts the peaceful dispute settlement. The disputing parties agree on the arbiter, or conciliator within 3 days after accepting the individual proposal, or they consensually appoint one when filing a joint Motion. If the disputing parties cannot agree on an arbiter/conciliator, the Agency Director shall appoint one”.

Research methodology and sources

The Republic Agency for Peaceful Settlement of Labor Disputes (hereinafter: the Agency) “has existed since 2005. It is responsible for the resolution of individual and collective labor disputes through arbitration and conciliation” (Lazović, 2018, p. 25).

The Agency has been based “on the model of conciliation and mediation public services, especially the British ACAS and the American FMCS, while the Law on Amicable Resolution of Labor Disputes was passed with the aim of affirming the methods of peaceful settlement of collective labor disputes and reducing strike frequency, among other things” (Lubarda, 2012, p. 968). According to Kulić (2017, p. 333), “with the founding of the Republic Agency for Peaceful Settlement of Labor Disputes, institutional prerequisites of the further affirmation of peaceful labor dispute settlement methods were created for the first time in the Republic of Serbia”.

In the research section of this paper, the practice of the Agency in the procedures of amicable labor dispute settlement shall be analyzed.

The primary research data source shall be the official data of the Republic Agency for Peaceful Settlement of Labor Disputes.

The paper is methodologically based on a theoretical analysis of relevant contemporary theoretical views, a normative analysis of

legislative sources, and a quantitative analysis of statistical indicators in the domain of the research subject.

Research results and discussion

According to research of the relevant issues regarding the Agency's operations and the peaceful labor dispute settlement procedures that have been initiated, the data obtained in the Agency's operations so far should be presented.

Namely, "according to the data obtained from the Agency, the peaceful labor dispute settlement procedure is most often initiated by employees, but employers also file joint motions with the employees, while they rarely initiate the procedure by themselves. Then, in terms of its frequency in different territories, the amicable labor dispute resolution is most common in Novi Sad, Kragujevac, Belgrade and Niš. One of the reasons is the fact that there are numerous labor disputes in public companies in these cities" (Marković et al., 2022, p. 11).

Regarding the type of the company, "public utility companies are the most numerous and their disputes are mostly those regarding the payment of employment financial claims on various grounds. Entrepreneurs and limited liability companies are present in smaller numbers. Then, when it comes to the individual labor disputes whose subject is workplace harassment (mobbing), according to the Agency's data, a total of 574 procedures were initiated from 2010 to 2021. Out of these, 15% were resolved amicably, in 31% it was determined that harassment had taken place, and in 54% it wasn't determined that harassment had taken place" (Marković et al., 2022, p. 11).

As Marković et al. (2022, p. 11) further point out, "in terms of monitoring the enforcement of the arbiter's decision, the Agency is not legally authorized to monitor its enforcement. In practice, after the decision has been made and the deadline for voluntary compliance has passed, a party in the dispute might approach the Agency with a request to secure the decision with an enforceability clause, and these are the cases when the Agency receives information whether the decision has been enforced."

Finally, "as a rule, the conciliation procedure is most common in the public sector, in public interest activities, i.e. where it is stipulated that social partners are legally obligated to first try to resolve the collective dispute before the Agency, while it is less common in the private sector" (Marković et al., 2022, p. 11).

According to the Agency's official data, "from 2005 (i.e. since the establishment of the Agency) to December 2018, 16,032 motions for the peaceful labor dispute settlement were filed, of which 6,086 disputes were resolved satisfactorily, and the rest were settled in administrative proceedings, bearing in mind the basic principle of voluntary participation. Out of the total number of the initiated proceedings, there were 15,730 individual and 302 collective labor disputes" (Lazović, 2018, p. 26).

The number of initiated procedures for 2017 "amounted to a total of 1073 resolved labor disputes, of which 1045 individual and 28 collective procedures. In 2016, 956 labor disputes were amicably settled, in 2015, 322 labor disputes were settled, and in 2014, 199 labor disputes were settled, which was the annual average from 2010 to 2014" (Lazović, 2018, p. 26).

Table 1 demonstrates an overview of the number of labor disputes resolved before the Agency in the period 2005–2018.

Regarding the research of the practice of peaceful labor dispute settlement for the City of Novi Sad, the following can be pointed out.

The survey on the peaceful labor dispute settlement, "conducted in Novi Sad by TUC NEZAVISNOST and the Confederation of Autonomous Trade Unions of Serbia, included 104 respondents, trade union members and those who are not unionized, namely: 54 respondents in the food industry, tobacco industry, agriculture and water management; 30 respondents in civil engineering and construction materials industry, and 20 respondents in the field of chemistry and non-metals. The survey was conducted on a voluntary basis and was anonymous" (Vujasinović Dučić et al., 2013, p. 49). Furthermore, "out of a total of 104 respondents, the majority is from private-owned companies (63 respondents), and 26 respondents are employed in state-owned companies. Most respondents are unionized

(75 respondents), while only 29 respondents are not union members" (Vujasinović Dučić et al., 2013, p. 52).

The key results of the survey indicate the following – "86 respondents stated that they were familiar with the existence of the concepts and mechanisms for peaceful labor dispute settlement, while 18 stated that they were not familiar with the matter. The employees which are unionized (75 respondents), were informed through the trade union about the existence of peaceful labor dispute settlement (67 respondents). Unfortunately, out of the total number of participants (104 respondents), 95 did not utilize the procedure of peaceful labor dispute settlement, which shows that this legal concept is not sufficiently affirmed and that despite a large percentage of respondents who answered that they were aware of the existence of the concept of peaceful labor dispute settlement, they do not really know the advantages of this manner of resolving employment disputes" (Vujasinović Dučić et al., 2013, p. 54).

Table 2 presents the advantages of the peaceful labor dispute settlement that the survey respondents stated.

This section can be summed up as follows. "48 respondents agree with the assumption that is a fast procedure, and 47 respondents believe that the peaceful labor dispute settlement procedure is free of charge. A reduced risk of adverse effects on the relationship with the employer, as an advantage of the peaceful labor dispute settlement, was mentioned by 33 respondents (Vujasinović Dučić et al., 2013, p. 55). However, "although the respondents are familiar with the advantages of the peaceful labor dispute settlement procedure, out of a total of 104 respondents, 95 respondents did not utilize this procedure." It is interesting to note that employees recognized the benefit of peaceful labor dispute settlement in terms of reduced risk of negative consequences, but despite the procedure being fast and free of charge, they did not decide to resolve their employment disputes in this way. Given the fact that only 9 respondents utilized the peaceful labor dispute settlement procedure, namely 8 respondents once, and one respondent two to five times, the question still arises as to why

employees in Serbia do not use this alternative way of resolving employment disputes” (Vujasinović Dučić et al., 2013, p. 55).

Conclusion

In addition to the traditional judicial method of labor dispute resolution, it is necessary to develop independent and impartial negotiation mechanisms between the parties in the area of individual and collective labor disputes. In Serbia, these are certainly the arbitration settlement of individual and collective labor disputes, and conciliation as a method of resolving collective labor disputes within and through the Republic Agency for Peaceful Settlement of Labor Disputes.

As stated at the beginning of the paper, there are many benefits to peaceful labor dispute settlement. Expediency and procedures that are more economical and even free of charge are the characteristic and advantage of this type of labor dispute resolution. Also, flexibility, informality and decision-making based on agreement and compromise between the parties can certainly be highlighted as fundamental advantages.

The goal of supplementary procedures, i.e. procedures for peaceful labor dispute resolution, is to relieve the traditional judicial approach and direct it to the procedures where a judicial settlement of the dispute is truly necessary.

It should be emphasized that the origin of the authority of the one who makes the decision is also a characteristic of peaceful labor dispute settlement procedures. Namely, the person who decides on these proceedings does not base their authority on state sovereignty, but solely on the will of the parties participating in the proceedings.

Besides the concept, advantages and characteristics of the amicable labor dispute settlement procedures, certain types of these procedures such as mediation, conciliation and arbitration are also analyzed in the theoretical section of this paper, as well as the most important provisions of the Employment Act and the Law on Amicable Resolution of Labor Disputes. In the research section of this paper, the

practice of the Republic Agency for Peaceful Settlement of Labor Disputes in the procedures of amicable labor dispute settlement, both for the territory of the Republic of Serbia and the territory of the City of Novi Sad, is analyzed. The primary research data source was the official data of the Republic Agency for Peaceful Settlement of Labor Disputes.

The paper is methodologically based on a theoretical analysis of relevant contemporary theoretical views, a normative analysis of legislative sources, and a quantitative analysis of statistical indicators in the domain of the research subject.

References

- Bjelajac, Ž. (2003). *Pravo na rad* [The Right To Work]. Komino Trade.
- Božović V. B. (2016). Radni i socijalni sudovi – društvena uloga i opravdanost uvođenja u pravosudni sistem Republike Srbije [Labor and social courts - social role and justification of introduction into the judicial system of the Republic of Serbia]. [Unpublished doctoral dissertation, Univerzitet u Beogradu: Pravni fakultet].
- Jagtenberg, R. & De Roo, A. (2018). Employment disputes and arbitration, an account of irreconcilability, with reference to the EU and the USA. *Zbornik Pravnog fakulteta Univerziteta u Zagrebu*, 68 (2), 171-192.
- Jovanović, M. (2022). Otkaz ugovora o radu zbog razloga vezanih za sposobnosti zaposlenog – pravni režim i razgraničenje od drugih osnova prestanka radnog odnosa [Termination of an employment contract due to reasons related to the employee's abilities - legal regime and distinction from other grounds for termination of employment]. [Unpublished doctoral dissertation, Univerzitet u Beogradu: Pravni fakultet].
- Kovačević-Perić, S. & Boranijašević, V. (2017). Arbitraža za radne sporove. *Pravo i privreda*, 55 (4-6), 644-661.

- Kulić, Ž. (2007): *Industrijski odnosi [Industrial relations]*. Megatrend univerzitet.
- Lazović, I. (2018). *Priručnik o dobrim praksama u mirnom rešavanju radnih sporova [Handbook on good practices in the peaceful resolution of labor disputes]*. Inicijativa za razvoj i saradnju iz Beograda.
- Lazović, I. (2018a). Perspektive mirnog rešavanja radnih sporova u Republici Srbiji [Perspectives of peaceful settlement of labor disputes in the Republic of Serbia]. *Megatrend revija*, 15 (1), 101-116.
- Marković, A., Jevtović, J., Petrović, S. & Todić, S. (2022). *Izazovi mirnog rešavanja radnih sporova [Challenges of peaceful settlement of labor disputes]*. Inicijativa za razvoj i saradnju iz Beograda.
- Ministarstvo rada, zapošljavanja i socijalne politike (2005). Pravilnik o postupku mirnog rešavanja radnog spora [Rulebook on the procedure for the peaceful resolution of labor disputes]. (Službeni glasnik Republike Srbije, br. 2/2005, 84/2005, 1/2019). <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2019/1/4>
- Narodna skupština Republike Srbije [Narodna skupština]. (2005). Zakon o radu [Labor Law]. (Službeni glasnik Republike Srbije, br. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 - odluka US, 113/2017 i 95/2018 - autentično tumačenje). https://www.paragraf.rs/propisi/zakon_o_radu.html
- Narodna skupština Republike Srbije [Narodna skupština]. (2004). Zakon o mirnom rešavanju radnih sporova [Law on Peaceful Settlement of Labor Disputes]. (Službeni glasnik Republike Srbije, br. 125/2004, 104/2009 i 50/2018). https://www.paragraf.rs/propisi/zakon_o_mirnom_resavanju_radnih_sporova.html

- Počuča, M. & Mirković, P. (2009). Mirno rešavanje radnih sporova [Peaceful resolution of labor disputes]. *Pravo – teorija i praksa*, 26 (7-8), 109-116.
- Reljanović, M. & Misailović, J. (2021). *Rešavanje radnih sporova* [Settlement of labor disputes]. Institut za uporedno pravo iz Beograda.
- Spencer, D. & Hardy, S. (2014). *Dispute resolution in Australia*. Thomson Reuters (Professional) Australia Limited.
- Uzelac, A. (2021, Juny 01). Mirenje kao alternativa suđenju. *Medijacija.hr*. http://www.alanuzelac.from.hr/pubs/D03Mirenje_kao_alternativa.pdf
- Vujasinović Dučić, D., Šošić, M., Brajković, R., Kiković, S. & Budimčević, S. (2013). *Istraživanje o mirnom rešavanju radnih sporova u Beogradu, Novom Sadu i Nišu* [Research on the peaceful resolution of labor disputes in Belgrade, Novi Sad and Niš]. Inicijativa za razvoj i saradnju iz Beograda.

Appendix

Table 1

An overview of the number of labor disputes resolved before the Republic Agency for Peaceful Settlement of Labor Disputes in the period of 2005–2018.

The year 2005

Collective labor disputes initiated 10 satisfactorily resolved 5	Individual labor disputes initiated 857 satisfactorily resolved 269
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The year 2006

Collective labor disputes initiated 17 satisfactorily resolved 11	Individual labor disputes initiated 4.977 satisfactorily resolved 1.659
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The year 2007

Collective labor disputes initiated 16 satisfactorily resolved 9	Individual labor disputes initiated 3.410 satisfactorily resolved 1.110
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The year 2008

Collective labor disputes initiated 12 satisfactorily resolved 7	Individual labor disputes initiated 958 satisfactorily resolved 305
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The year 2009

Collective labor disputes initiated 12 satisfactorily resolved 8	Individual labor disputes initiated 789 satisfactorily resolved 266
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The year 2010

Collective labor disputes

initiated 25

satisfactorily resolved 10

Individual labor disputes

initiated 249

satisfactorily resolved 77

The year 2011

Collective labor disputes

initiated 18

satisfactorily resolved 8

Individual labor disputes

initiated 837

satisfactorily resolved 279

The year 2012

Collective labor disputes

initiated 20

satisfactorily resolved

Individual labor disputes

initiated 239

satisfactorily resolved 114

The year 2013

Collective labor disputes

initiated 28

satisfactorily resolved 10

Individual labor disputes

initiated 251

satisfactorily resolved 64

The year 2014

Collective labor disputes

initiated 26

satisfactorily resolved 16

Individual labor disputes

initiated 173

satisfactorily resolved 168

The year 2015

Collective labor disputes

initiated 30

satisfactorily resolved 21

Individual labor disputes

initiated 292

satisfactorily resolved 83

The year 2016

Collective labor disputes

initiated 28

satisfactorily resolved 15

Individual labor disputes

initiated 928

satisfactorily resolved 708

The year 2017

Collective labor disputes

initiated 28

satisfactorily resolved 16

Individual labor disputes

initiated 1.046

satisfactorily resolved 393

The year 2018

Collective labor disputes

initiated 32

satisfactorily resolved 10

Individual labor disputes

initiated 724

satisfactorily resolved 436

Total collective labor disputes

initiated 302

satisfactorily resolved 155

Total individual labor disputes

initiated 15.730

satisfactorily resolved 5.931

IN TOTAL

INITIATED 16.032

SATISFACTORILY RESOLVED 6.086

(Lazović, 2018, pp. 28-30)

Table 2

The advantages of peaceful labor dispute resolution according to the Survey on the peaceful labor dispute settlement for the City of Novi Sad (104 respondents in total).

Advantages	Respondent number	Percentage
Procedure free of charge	47 respondents	36%
Reduced risk of adverse effects	33 respondents	25%
Fast labor dispute resolution	48 respondents	37%
Other	2 respondents	2%

(Vujašinović Dučić et al, 2013, p. 55)

Značaj Zakona o mirnom rešavanju radnih sporova i osvrt na dosadašnju praksu

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Sažetak

U procesu rada mogu nastati brojne sporne situacije koje se mogu ticati pozicija ili međuljudskih odnosa između zaposlenih ili zaposlenih i poslodavca. Pored tradicionalnog sudskog metoda rešavanja radnih sporova neophodno je razvijati nezavisne i nepristrasne mehanizme pregovaranja između strana u okviru individualnih i kolektivnih radnih sporova. U Srbiji su to svakako arbitražno rešavanje individualnih i kolektivnih radnih sporova, i mirenje kao metod rešavanja kolektivnih radnih sporova u okviru i posredstvom Republičke agencije za mirno rešavanje radnih sporova. Brojne su prednosti mirnog rešavanja radnih sporova. Cilj dopunskih postupaka, odnosno postupaka mirnog rešavanja radnih sporova jeste da se tradicionalan sudski pristup rastereti i usmeri na postupke gde je sudsko rešavanje spora zaista neophodno. U teorijskom delu rada su pored pojma, prednosti i karakteristika postupaka za mirno rešavanje radnih sporova analizirani medijacija, mirenje i arbitraža kao vrste ovih postupaka, kao i najznačajnije odredbe Zakona o radu i Zakona o mirnom rešavanju radnih sporova. U istraživačkom delu rada analizirana je praksa Republičke agencije za mirno rešavanje radnih sporova u postupcima mirnog rešavanja radnih sporova, kako za teritoriju Republike Srbije, tako i za teritoriju Grada Novog Sada. Primarni izvor istraživačkih

podataka bili su zvanični podaci Republičke agencije za mirno rešavanje radnih sporova. Rad je metodološki zasnovan na teorijskoj analizi relevantnih savremenih stavova u teoriji, normativnoj analizi legislativnih izvora, te kvantitativnoj analizi statističkih pokazatelja u domenu predmeta istraživanja.

Ključne reči: radni spor, medijacija, mirenje, arbitraža, Republička agencija za mirno rešavanje radnih sporova, Republika Srbija.

AUTHORS' GUIDELINES (starting from 2024)

The journal Kultura polisa [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. The Editorial staff of the Journal reserves the right to adjust the manuscripts to the editorial rules and policies of the journal.

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Language requirements

Papers are published in English, British version (United States). Domestic authors, in addition to the text in English, should also submit the paper in Serbian, and 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)

One paper can have a maximum of three authors. The surname(s) and initial(s) of the 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.

Title case capitalization

(<https://apastyle.apa.org/style-grammar-guidelines/capitalization/title-case>)

APA Style uses two types of capitalization for titles of works (such as paper titles) and headings within works: title case and sentence case.

In title case, major words are capitalized, and most minor words are lowercase. In sentence case, most major and minor words are lowercase (proper nouns are an exception in that they are always capitalized).

major words: Nouns, verbs (including linking verbs), adjectives, adverbs, pronouns, and all words of four letters or more are considered major words.

minor words: Short (i.e., three letters or fewer) conjunctions, short prepositions, and all articles are considered minor words.

In title case, capitalize the following words in a title or heading:

- the first word of the title or heading, even if it is a minor word such as "The" or "A"
- the first word of a subtitle the first word after a colon, em dash, or end punctuation in a heading major words, including the second part of hyphenated major
- words (e.g., "Self-Report," not "Self-report") words of four letters or more (e.g., "With," "Between," "From")

Lowercase only minor words that are three letters or fewer in a title or heading (except the first word in a title or subtitle or the first word after a colon, em dash, or end punctuation in a heading):

- short conjunctions (e.g., "and," "as," "but," "for," "if," "nor," "or," "so," "yet")
- articles ("a," "an," "the")
- short prepositions (e.g., "as," "at," "by," "for," "in," "of," "off," "on," "per," "to," "up," "via")

Use title case for the following:

- titles of articles, books, reports, and other works appearing in text

In the book *Train Your Mind for Peak Performance: A Science-Based Approach for Achieving Your Goals*

In the article "Turning Frowns (and Smiles) Upside Down: A Multilevel Examination of Surface Acting Positive and Negative Emotions on Well-Being"

- titles of tests or measures, including subscales

Beck Depression Inventory-II

- all headings within a work (Levels 1-5; these are also bold or bold italic)
- the title of your own paper and of named sections and subsections within it

the Results section

- titles of periodicals (these are also italicized)

Journal of Latin Psychology

Chicago Tribune

- table titles (these are also italicized)
- figure titles (these are also italicized), axis labels, and legends

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 the 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 the 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

The text of the paper should be in Word document format, as follows:

- font: Verdana;
- page size: 6.69" x 9.45" (17 x 24 cm);
- margins: Top 0.98" (25 mm); Bottom 0,79" (20 mm); Left 0,79" (20 mm); 0,79" Right (20 mm);
- 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: 12 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 (12.7 mm) (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. 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 15th, May 15th and September 15th.

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/Authorship-statement-the-Culture-of-Polis.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.

Direct quotations (verbatim – word for word) must be shown in quotation marks (note the quotation marks for the English language: ALT 147/ALT148). When quoting a text that is not in the original language of the work in which it is cited, no quotation marks are used, because there is no direct match of the words in the search engine, but the source of the citation must be indicated, as in all other cases. If a direct citation is longer than 40 words, no quotation marks are used – such a citation must be in a text block, which is indented by 0.5 inches, with the source cited before the block or at the end of the block, before the last punctuation mark. The spacing in the block is 1.5. Example:

self-regulating consensus rules governing the platform, and finally a personalized article selection mechanism for users – personalized journalism.

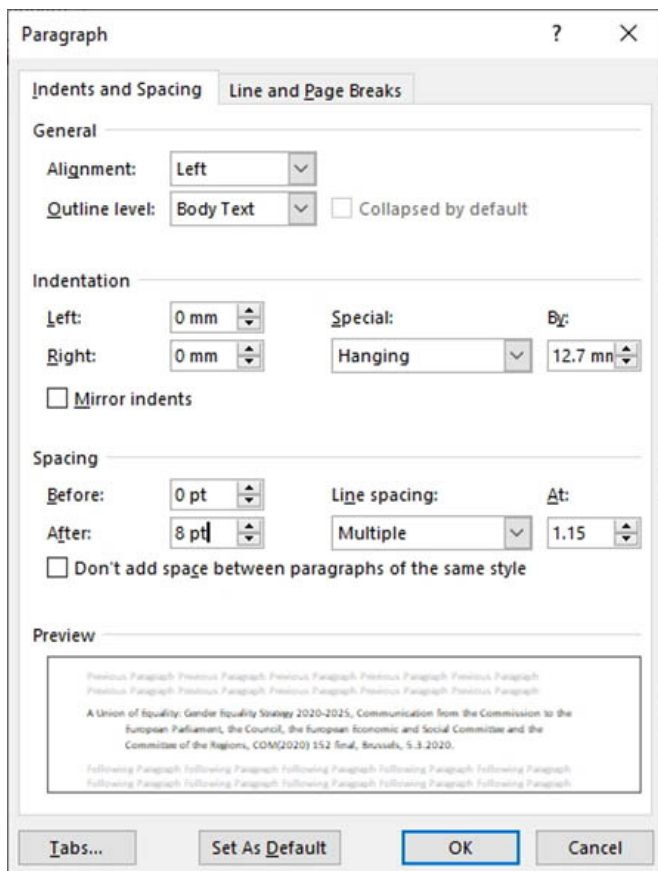
In the case when there were a small number of publishing houses on the journalistic market, they behaved monopolistically.

The press had authority over setting agendas, and readers had no choice but to receive the news that the press decided was important to them. At that time, the press called readers 'the masses' and treated them as one mass (Figure 1). A mass by definition is not able to choose the news according to personal wishes (Kim & Yongjik, 2018).

When they took positions, it was very difficult for the competition to enter the market, so they

The list of references (References) begins on a new page after the text of the

Conclusion. Reference sources are arranged without numbering, in alphabetical order by the first letter of the last name of the first author for each source. In the settings under the "Paragraph" tab, set the hanging indent to the value 0.5", i.e. 12.7 mm, and this value is also the basic setting of Microsoft Word. Set the spacing for the list of references as follows: Before 0, After 8.



Unlike the rules for writing titles and subtitles in the article itself, the titles of sources in the list of references are written according to the rules for Sentence case, i.e. by starting the sentence with a capital letter and all other words in the sentence with a lowercase letter, except in the case of proper names. This rule applies in the reference list regardless of how the title of the cited work is written in its original form. This rule does not apply to journal titles.

Examples:

Lee, B., Rumrill, P., & Tansey, T. N. (2022). Examining the role of resilience and hope in grit in multiple sclerosis. *Frontiers in Neurology*, 13, Article 875133. CC BY.

<https://doi.org/10.3389/fneur.2022.875133>

Smith, H. (2019). Monetizing movement. In M. Graham, R. Kitchin, S. Mattern & J. Shaw (Eds.), *How to run a city like Amazon, and other fables* (pp. 570-605). Meatspace Press.

https://issuu.com/meatspacepress/docs/how_to_run_a_city_like_amazon_and_other_fables

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 not 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 the 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 u Novom Sadu: Pravni fakultet za privredu i pravosuđe u Novom Sadu.

(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.

Milislavljević, 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.

(Milislavljević 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

Different authors – References separated by semicolons.

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

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

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 & Lj. P. Ristić (Eds.), *Srbija i geopolitičke prilike u Evropi 1914. godine* (pp. 55–78). Gradska biblioteka u Lajkovcu & 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. Matic (Eds.), *Discourse and politics* (pp. 23–46). Institute for Political Studies in Belgrade.

(Lošonc, 2019, p. 31)

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 & Filipović, 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 the blog post. *Name of the 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)

Encyclopedias and dictionaries

Unknown author

Surname, Initial(s). (Ed(s).). (Year of Publication). *Title of encyclopedia/dictionary*. Volume (if there is more than one). Publisher Name. URL (if available)

Manning, M. J., & Wyatt, C. R. (Eds.). (2011). *Encyclopedia of media and propaganda in wartime America*. ABC-CLIO.

(Maning & Wyatt, 2011)

Title of entry. (Year of Publication). In Editor's initial(s). Last Name. (Ed(s)). *Name of encyclopedia or dictionary* (edition if given and not the first edition). Publisher Name. URL

Nirvana. (2001). In S. Sadie (Ed.). *The new Grove dictionary of music and musicians* (2nd ed., Vol. 17). Macmillan Publishers.

(Sadie, 2001)

Known author(s)

Author's Last name, First Initial. Second Initial if Given. (Year of Publication). Title of entry. In Editor's First Initial. Second Initial if given. Last Name (Ed.), *Name of encyclopedia or dictionary* (edition if given and is not first edition., p. or pp. page number or numbers). Publisher name. DOI or URL if given

Bowman, S., & Johnson, S. (2007). Age stratification and the elderly. In K. Christensen & D. Levinson (Eds.), *Encyclopedia of community: From the village to the virtual world*. SAGE Publications.
<https://doi.org/10.4135/9781412952583.n7> (Original work published 2003)

(Bowman & Johnson, 2003/2007)

Corporate or group author

Name of Institution or Group. (Year of Publication, or n.d. if unknown). *Name of encyclopedia or dictionary* (edition if given and is not the first edition) prvo). Publisher Name. DOI of URL if available.

Oxford University Press. (n.d.). Zombie. In *Oxford English dictionary*. Oxford University Press. Retrieved January 4, 2020, from
<https://oed.com/view/Entry/232982>

(Oxford University Press, n.d.)

Doctoral dissertation

Surname, Initial(s). (Year of Publication). *Title of dissertation: subtitle*. [Description, Name of University: Faculty (if necessary)]. Name of archive or website. URL

Filipović, A. (2016). *Paradigma kulturološkog pozicioniranja video igre* [The paradigm of cultural positioning of video games]. [Unpublished doctoral dissertation, Univerzitet umetnosti: Fakultet dramskih umetnosti].

(Filipović 2019, 145–147)

Axford J.C. (2007). *What constitutes success in Pacific Island community conserved areas?* [Doctoral dissertation, University of Queensland]. UQ eSpace. <http://espace.library.uq.edu.au/view/UQ:158747>

(Axford, 2007)

Newspaper or magazine article

Known author(s)

Author Surname, Initial(s). (Full date of publication). Title of Article. *Title of newspaper or magazine*, page numbers. (for printed edition). URL (for online edition)

Avakumović, M. (2019, December 8). Platni razredi – 2021. godine [Salary classes – 2021]. *Politika*. <https://www.politika.rs/sr/clanak/443548/Ekonomija/Platni-razredi-2021-godine>

(Avakumović, 2019)

Unknown author(s)

Title of article: subtitle, if it is given. (Full date). *Title of newspaper or magazine*, page numbers (for printed edition). URL (for online edition)

Get on board for train safety. (2012, June 17). *Toronto Star*, A14.

In text – (“one two or three words from the title”, year, page numbers)

(“Get on board”, 2012, p. A14)

Corporate as author

Name of Institution [acronym, if necessary]. (Year of Publication). *Title* (edition, if it is not the first). Name of Publisher (not if the same organization is the author and the publisher).

Ministarstvo za evropske integracije Republike Srbije [Ministry of European Integration of the Republic of Serbia [MEI]]. (2018). *Vodič za korišćenje EU fondova u Srbiji; IPA II (2014–2020. god)* [Guide to the use of EU funds in Serbia; IPA II (2014–2020)].

First citing

(Ministarstvo za evropske integracije Republike Srbije [MEI], 2018)

Next citings

(MEI, 2018)

National Fire Protection Association. (2009). *Fundamentals of fire fighting skills* (2nd ed.). Jones and Bartlett.

First citing

(National Fire Protection Association [NFPA], 2009)

Next citings

(NFPA, 2009)

Legal acts

Constitution and laws, decisions of state bodies and institutions

Author [Abbreviated form as needed]. (Year of adoption). *Name of the act*. (Name of the official gazette and number with numbers of amendments). Publisher (if the author and the publisher are the same, then this is omitted). URL

Narodna skupština Republike Srbije [Narodna skupština]. (2006). *Ustav Republike Srbije* [Constitution of the Republic of Serbia]. (Službeni glasnik Republike Srbije, br. 98/06).

https://www.srbija.gov.rs/view_file.php?file_id=2391 &cache = sr

First citing

(Narodna skupština Republike Srbije, 2006, Art. 33)

Next citings

(Narodna skupština, 2006, Art. 25)

Narodna skupština Republike Srbije. (2019). *Zakon o osnovama sistema obrazovanja i vaspitanja* [Law on the Fundamentals of the Education System]. (Službeni glasnik Republike Srbije, br. 88/2017, 27/2018 – dr. zakon, 10/2019 i 27/2018 – dr. zakon). Paragraf.

https://www.paragraf.rs/propisi/zakon_o_osnovama_sistema_obrazovanja_i_vaspitanja.html

(Narodna skupština republike Srbije, 2019, Art. 17, para. 4)

(Narodna skupština, 2019, Art. 23)

National Institute of Mental Health. (1990). *Clinical training in serious mental illness* (DHHS Publication No. ADM 90–1679). US Government.

(National Institute of Mental Health, 1990)

Zaštitnik građana Republike Srbije [Zaštitnik građana]. (2012, October 22). Mišljenje br. 15–3314/12 [Opinion No. 15–3314/12].

https://www.osobesainvaliditetom.rs/attachments/083_misljenje%20ZG%20DZ.pdf

(Zaštitnik građana Republike Srbije, 15–3314/12)

(Zaštitnik građana, 15–3314/12)

Legislative acts of the European Union

Legislation type and Number of Legislation. *Name of the act*. EU Body/Agency. Official Journal of the European Union. Series, Issue Number. URL.

Regulation (EU) No 182/2011. *Laying down the rules and general principles concerning mechanisms for control by Member states of the Commission's exercise of implementing powers*. The European Parliament & the Council of the European Union. Official Journal of the European Union, L 55.

<http://data.europa.eu/eli/reg/2011/182/oj>

(Regulation 182/2011, Art. 3)

European Union treaties and founding agreements

Name of the act [Acronym if necessary]. (Year). Official Journal of the European Union. Series, Issue Number. URL

Consolidated version of the Treaty on European Union [TEU]. (2012).
Official Journal C 326, 26/10/2012 P. 0001 – 0390.

http://data.europa.eu/eli/treaty/teu_2012/oj.

(TEU, 2012, Art. 3)

International treaties of the United Nations

Treaty Title [Acronym or abbreviated name]. (Date of signing or entering into force). Registration in the UN – UNTS number, registration number from the website *United Nations Treaty Collection*: <https://treaties.un.org>. URL

Marrakesh agreement establishing the World Trade Organization [Marrakesh Agreement]. (1994, April 15). UNTS 1867, I-31874.

<https://treaties.un.org/doc/Publication/UNTS/Volume%201867/volume-1867-A-31874-English.pdf>

(Marrakesh Agreement, 1994)

Court practice

Court practice in the Republic of Serbia

Legislation type and name of the court [acronym of the court], case number and date. Name and number of the official gazette or other publication in which the judgment was published – if applicable. URL

Odluka Ustavnog suda Republike Srbije [USRS] [Decision of the Constitutional court of the Republic of Serbia], IUa-2/2009 od 13. juna 2009. Službeni glasnik RS, br. 68/2012.

(Odluka USRS, IUa-2/2009)

Rešenje Apelacionog suda u Novom Sadu [ASNS] [Decision of the Court of appeals in Novi Sad], Ržr-1/16 od 27. aprila 2016. godine.

(Rešenje ASNS, Ržr-1/16)

The case law of the International Court of Justice

Types of decisions can be Order, Judgment, Jurisdiction Judgment, Merits Judgment, and Advisory Opinion.

Name of the case (Parties, often abbreviated), type of hearing, type of decision (if applicable), I.C.J. Rep. Year of the reporter (volume, if applicable) (date of the decision), first page of the decision (if published), page and paragraph referenced (if applicable).

Legality of use of force (Yugoslavia v. United Kingdom), Provisional Measures Order, I.C.J. Rep. 1999 (June 2), p. 826.

(Yugoslavia v. United Kingdom, 1999)

Arrest warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), Judgment, I.C.J. Rep. 2002 (I) (Feb. 14).

(Democratic Republic of the Congo v. Belgium, 2002)

Legality of the use by a state of nuclear weapons in armed conflict, advisory opinion, I.C.J. Rep. 1996 (July 8), p. 66.

(I.C.J. Rep. 1996)

Jurisprudence: European Court of Justice (ECJ) & Court of First Instance (EFI)

Cite cases introduced before January 1, 1989 by "Case", case number [number/year of filing], name of the parties (italicized and separated by "v"), year of decision (in square brackets), title of the reporter ("ECR"), volume (if necessary), and page and paragraph referenced:

Case 120/88. *Commission v Italy* [1991]. ECR I-621.

(Case 120/88)

Cite cases introduced after January 1, 1989 by "Case", followed by "T" (for the Court of First

Instance) or "C" (for the European Court of Justice), case number [number/year of filing], name of the parties (italicized and separated by "v"), year of decision (in square brackets), title of the reporter ("ECR"), volume, and page and paragraph referenced:

Case T-224/95. *Tremblay and Others v Commission* [1997]. ECR , II-2215.

(Case T-224/95)

Case C-242/95. *GT-Link* [1997]. ECR , I-4449, para. 36.

(Case C-242/95)

Jurisprudence: European Court of Human Rights (ECHR)

Cite cases decided on or after November 1, 1998, by *name of parties* (italicized and separated by "v") [type of decision (note: a judgment on the merits has no designation), or, if decided by the Grand Chamber, [GC]], case number, section(s) referenced, date (optional), and abbreviated title of the reporter in which the case is published (ECHR), year, and volume:

Brumarescu v. Romania [GC], no. 28342/95, § § 52-53, ECHR 1999-VII.

(Brumarescu v. Romania, 1995/1999)

Messina v. Italy (dec.), no. 25498/94, ECHR 1999-V.

(Messina v. Italy, 1994/1999)

Smith and Grady v. the United Kingdom (just satisfaction), nos. 33985/96 and 33986/96, § 13, 25 July 2000, ECHR 2000-IX.

(Smith and Grady v. the United Kingdom, 1996/2000)

Akman v. Turkey (striking out), no. 37453/97, ECHR 2001-VI.

(Akman v. Turkey, 1997/2001)

Jurisprudence of other international courts and tribunals

Look at:

https://www.law.nyu.edu/sites/default/files/upload_documents/Final_GFIL_C_pdf.pdf

Video – Sharing website (e.g. You Tube, Vimeo)

Video

Author surname, initial(s) [Screen name]. (Year, month day). *Title of video* [Video]. Source. URL

University of Sheffield Library [uniSheffieldLib]. (2019, January 30).

Information and digital literacy workshops [Video]. YouTube.

<https://www.youtube.com/watch?v=Lm7bLmbKOk0>

(University of Sheffield Library, 2019)

Radiohead (2009, April 22). Radiohead – No surprises [Video]. YouTube.

<https://www.youtube.com/watch?v=u5CVsCnxyXg>

(Radiohead, 2009)

Video channel

Author surname, initial(s) [Screen name]. (n.d.). Tab name [Source]. Retrieved date, from URL

University of Sheffield Library [uniSheffieldLib]. (n.d.). Home [YouTube channel]. Retrieved August 12, 2020, from

<https://www.youtube.com/user/uniSheffieldLib>

(University of Sheffield Library, n.d.)

Website (Internet page)

Author Surname, Initials. or Name of organisation. (Date Year, Month day). *Title of webpage*. Site name (if not the same as the Name of organisation). URL

Binding, L. (2020, July 21). *River Thames has higher density of microplastics than other major European rivers*. Sky News. <https://news.sky.com/story/river-thames-has-higherdensity-of-microplastics-than-other-major-european-rivers-12033067>

(Binding, 2020)

World Health Organisation. (2018, May 18). *Assistive technology*.
<https://www.who.int/news-room/fact-sheets/detail/assistive-technology>

(World Health Organisation, 2018)

(WHO, 2018)

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 6pt 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.

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.

Special cases of citing references

Citing the second and each subsequent edition

Surname, Initial(s). (Year of publication). *Title* (edition note). Publisher.

Gaćinović, R. (2018). *Mlada Bosna* (drugo dopunjeno i izmenjeno izdanje) [Young Bosnia, (2nd edition)]. Evro Book.

Multiple references by the same author

1) *Same author, different years* – Sort by year of publication, starting from the earliest.

2) *Same author, same year* – Arrange in alphabetical order of the initial letter of the reference's name. In addition to the year of publication, put the initial letters of the alphabet, which are also used in bibliographic parentheses.

Gaćinović, R. (2018a). Vojna neutralnost i budućnost Srbije [Military neutrality and the future of Serbia]. *Politika nacionalne bezbednosti*, 14 (1), 23–38. <https://doi.org/10.22182/pnb.1412018.2>

Gaćinović, R. (2018b). *Mlada Bosna* (drugo dopunjeno i izmenjeno izdanje) [Young Bosnia (2nd edition)]. Evro Book.

(Gaćinović, 2018a, p. 25), (Gaćinović 2018b)

3) *The same author as an independent author and as a co-author* – First list the references in which he is an independent author, and then those in which he is a co-author.

4) *The same author as the first co-author in several different references* – Arrange in alphabetical order the surname of the second co-author.

Pollitt, C., Birchall, J., & Putman, K. (1998). *Decentralising public service management*. Macmillan Press.

Pollitt, C., Talbot, C., Caulfield, J., & Smullen., A. (2005). *Agencies: How governments do things through semi-autonomous organizations*. Palgrave Macmillan.

Special cases of citing bibliographic parentheses

Exceptions to citing bibliographic parentheses at the end of a sentence

Citing the author's surname within the sentence – Put the year of publication in brackets after stating the surname, and the page number at the end of the sentence in brackets.

According to Bjelajac (2017), ... (30).

Citing the author's surname within the sentence before the citation from the reference – After citing the surname, state the year and page number in the bibliographic parenthesis, and then cite the citation.

As Bjelajac (2017, p. 45) states: " ... "

Fukuyama (1992, p. 57) explicitly states: " ... "

Citing the same reference several times in one paragraph – If the same page or range of pages is cited, enter the bibliographic parenthesis at the last citation or at the end of the paragraph before the punctuation mark. If different pages are cited, state the reference when quoting the specific page for the first time, and then, until the end of the paragraph, put out only different page numbers in parentheses. If the next citation refers to the same reference as the previous citation, do not enter the author's name in parentheses, but only the year and page.

(Bjelajac, 2017, p. 34)

.....

(2017, p. 46)

Do not use "the same", "*ibid*", or "*op. cit.*" for multiple citing of a reference.

Citing the terms "see", "compare", etc.

Enter these expressions in bibliographic parenthesis.

(see Bjelajac 2017, p. 153)

(Stepić, 2015; compare Knežević, 2014)

Secondary referencing

This is when you reference one author who is referring to the work of another, and the primary source is not available. *Secondary referencing should be avoided if possible.*

If you have only read the latter publication you are accepting someone else's opinion and interpretation of the author's original intention. You cannot have formed your own view or critically appraised whether the secondary author has adequately presented the original material.

You must make it clear to your reader which author you have read whilst giving details of the original.

Use 'as cited in' if the author has cited the work of another, e.g.

(Chomsky, 1999 as cited in Đurić & Stojadinović, 2018, p. 47)

If the author has directly quoted from an original piece of work then you would use 'as quoted in' e.g.

„Tom prilikom neoliberalizam se od strane najvećeg broja njegovih protagonista najčešće određuje kao politika slobodnog tržišta“ (Chomsky, 1999, p. 7, as quoted in Đurić & Stojadinović, 2018, p. 47).

In the references, list only the secondary reference.

Đurić, Ž., & Stojadinović, M. (2018). Država i neoliberalni modeli urušavanja nacionalnih političkih institucija [The state and neoliberal models of collapsing national political institutions]. *Srpska politička misao*, 62(4), 41–57. <https://doi.org/10.22182/spm.6242018.2>

Same bibliographic parenthesis, multiple references

Different authors – Separate references with semicolons.

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

Same author, different years – Give the author's last name, and then the year of publication of the various references in 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) or (Stepić 2012, p. 30; 2015, p. 69)

Different authors, same last name – Some authors have the same last name, and if this happens the author's name initial(s) 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)

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. When enumerating, as well as between numbers, including page numbers, use a dash (-) instead of a hyphen (-). For dash use the keyboard command: Alt+150.
- 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.

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KULTURA polisa : časopis za negovanje demokratske političke kulture / glavni i odgovorni urednik Željko Bjelajac. – [štampano izd.] - God. 1, br. 1 (2004)- . - Novi Sad : Udruženje Kultura-Polis : Univerzitet Privredna akademija, 2004- . - 24 cm

Povremeno. – Drugo izdanje na drugom medijumu: Kultura polisa (Online) = ISSN 2812-9466

ISSN 1820-4589 = Kultura polisa

COBISS.SR-ID 199568391



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