*Bodo Weber*

# Letter from a German

## On Attempts To Reform A State Without Society – A Few Reflections

*What is to be done? The frustrating state of the present Bosnia and Herzegovina society, when it comes to the political task of creating a functional democratic state, needs to be seen as an opportunity. A new political subject needs to be created, either by transforming the existing political organizations, or by building new ones. First and foremost, this new political task must face unsparingly and constructively the current self-destructive social dynamics in Bosnia and Herzegovina. It must initiate a social discourse "about all of us", starting with these dynamics. It must take seriously "the people" as a subject in the creation of the state, while not relieving "the people" of responsibility for the destructive social dynamics. It must be simultaneously "in the people" and act above society, in order to be free from the dominant crisis mentality and the political practice of the para-institutional undermining of state institutions and the collective breach of rules/laws. It must ceaselessly reflect upon the social and political foundations of such anti-societal behaviour and the chances of its spreading.*

### By: Bodo Weber [*]

When, at the start of the year, I accepted the invitation from the only existing Bosnia and Herzegovina (B&H) foreign policy magazine to write in its subject-specific issue on German foreign policy towards Bosnia and Herzegovina, I could not have imagined what I was getting into. Specifically, I was asked to write an essay on how I see the main problems of that Balkan country, as well as possible solutions and Germany's role in all of it. In mid May, after coming back from two lectures/discussions in Sarajevo and Mostar about possible ways out of the state of the ethnicity-driven self-destruction of B&H universities and the academic community, I found myself facing unusual difficulties in preparing the text. To be frank, I overcame this writer's block only when I became aware of the reasons for my unease, all of which are equally political and personal.

### Collapse of international policy towards Bosnia and Herzegovina

First of all, Bosnia and Herzegovina is currently in the worst stalemate since the end of the war. Renouncing the closure of the Office of the High Representative (OHR), the international community remains without any strategy, even a bad one. Neither the international nor the domestic side offer any vision of a potential actor who could create a functional state. Secondly, the current collapse of international policy towards B&H bears a German hallmark. Germany took all the key positions (High Representative/EU Special Representative, EUFOR Commander, EU chairmanship). Moreover, the intellectual arguments which served to legitimise the "strategy" to

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close the OHR, originated from a German *think-tank*.[1] Thirdly, and perhaps the most difficult, the collapse of international policy is embodied in the very person of Christian Schwarz-Schilling, the current High Representative. Schwarz-Schilling was among the rare individuals in the political establishment who rose up against the *non-relationship* of German policy towards the war in B&H[2]. At the time his position was contrary to the far more dominant mindset among the political elites and the German population, which by ignoring the new, bloody reality of the international disorder after 1989 wanted to preserve the idyllic position of a security island that the old Federal Republic of Germany enjoyed after 1945. That small group of politicians prepared the ground for a change in German foreign and security policy, made in the second half of 1990s. This change represented the most important precondition for the rise of a united Germany as a relevant player in the international politics of this decade.

An elderly politician who purportedly slept through half of his business meetings, Schwarz-Schilling became a sad symbol of the failed attempts of the international community to create a functional state and to stop the regressive social and political dynamics in B&H whose structural deficiencies can be traced back to the first post-war days. These deficiencies consist of a lack of political will and a limited understanding of the social process of ethnicization, i.e. the phenomenon of ethnic nationalism. In 1995 in Dayton, at the time that the B&H Constitution was put together and the roles of international institutions, primarily that of the OHR, were defined, the international community sacrificed the question of the functionality of the post-war state for the sake of establishing and ensuring peace, due to the limited military and diplomatic intervention in the Bosnian war. Only at the end of the 1990s did international policy haltingly enter the business of state building. They did this more by force of circumstance than by conviction, as they came to understand that there is neither a lasting peace without a functional state, nor the conditions to withdraw international troops.

The state building policy became a "serious task" only as a result of the changes on the international political scene after 9/11. That meant a sudden fall in the interest of the international community, the United States above all, to continue its intense, expensive and not so effective involvement in B&H within the existing framework of a semi-protectorate. Thus the first pretence of the democratic transformation of the Dayton state came into existence, a policy whose effects were bound to be deceptive because state building, as an exit strategy, necessarily had to ignore the B&H social reality. This state of affairs was compounded and extended with the transfer to the so-called "Brussels era". Responsibilities for the process of the democratic transition of the Western Balkans moved from the international community to the European Union. This was more a result of US withdrawal, and not of the demand and involvement of the EU, which was neither institutionally ready for the job of state building nor willing to take on that task. That is how the second pretence of democratic transformation was created: the process of European integration as the goal of democratic transformation changed into an instrument of that transformation, i.e. European integration was proclaimed an instrument of democratization.. The question of why the offer of integration and its supporting economic incentives would be a sufficient motivation for

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[1] This refers to the analysis and recommendations relating to the disfunctional Dayton state that were made by the *European Stability Initiative* (ESI) – a German *think-tank* with its seat in Berlin: the international semi-protectorate is equal to the 19th century colonial regimes (e.g., British in India); the High Representative Ashdown is the de facto Bosnian sovereign who actually prevents the transfer of sovereignty to the people of B&H; political elites in B&H are mature enough and ready to assume full political responsibility from the international community and transform the Dayton state into a functional state, therefore, OHR should be closed as soon as possible. See: Knaus, Gerald / Martin, Felix, "Travails of the European Raj", in: *Journal of Democracy*, vol. 14 (July 2003) no. 3.

[2] Out of protest, Schwarz-Schilling resigned from his post as Minister of Postal System and Telecommunications of FR Germany and thus practically finished his career in German politics.

domestic ethnic elites was buried by the technocratic Brussels vocabulary, a vocabulary that local elites, both nationalistic and democratic, mastered in record time. This is not surprising given that in the post-war period these ethnic elites had turned down considerable economic incentives to create a functional democratic state, and agreed to initial steps in the first half of this decade only under the authoritarian pressure of the OHR's Bonn powers.

Paddy Ashdown's departure from his prolonged mandate as High Representative at the end of 2005 represented an admission of the failure of this double strategy of the international community – an illusion of democratization and statehood could not after all win over the social and political circumstances in B&H. Schwarz-Schilling's mandate of closing the OHR by mid 2007 represents only the last stage in the failure of international policy towards Bosnia and Herzegovina in the post-war period. By insisting on the withdrawal of the international community from the most important positions in the country, under unchanged circumstances and in an election year, international authorities created a "mission impossible" with a predictable outcome. By nominating Schwarz-Schilling to the position of the High Representative, without at the same time increasing Germany's involvement in B&H, Germany's Chancellor Angela Merkel decisively contributed to compromising Schwarz-Schilling's position as the only conservative politician held in high esteem in Southeast Europe. This is especially clear if we take into account the fact that her decision represented a deviation of sorts from the policy of the former government not to be involved intensely in B&H, based on realistic assessments that B&H is no place to increase foreign policy committments given its stalemate political situation. As a High Representative who started his mandate with a reputation in B&H greater than that of all his predecessors, Schwarz-Schilling lost it in record time, in less than one year.

Decisions made by the Peace Implementation Council (PIC) and the European Union in 2007, all part of renouncing last year's decision to close down OHR, represent the obvious collapse of the international policy towards B&H: the extension of OHR's mandate for one year without changes and without new dates for its closure; the nomination of main representatives of the international community in B&H from far less influential countries (OHR – Slovakia, the European Commission in B&H – Greece); the significant reduction of the international community's assistance to state institutions newly created as a result of international pressure; and the absence of any new international strategy toward Bosnia and Herzegovina.

Still, after more than a decade of international policy in post-war B&H, its results are more than modest - a half-completed process of creating state institutions and two key open issues: 1. How to move from the *non-state* to a functional state? 2. Who can be the proponent of that process of creating a democratic, functional state?

In seeking answers, I will try to demonstrate below why these two issues of crucial importance for the future of Bosnia and Herzegovina still remain unresolved to the extent they were unresolved in the first post-war days. Part of the answer lies in the complete absence of a society-perspective in both the international and the domestic policy's relationship towards those issues.

### The state of *non-state* or why the institutions of B&H do (can) not function in an institutional manner

Why isn't Bosnia and Herzegovina a functional state? Domestic and foreign critics of the painful reality are unanimous in assessing the causes of the state of *non-state*, namely that the state does not function because of the constitutional institutionalization of the ethnic element: the ethnic division of central state institutions; the existing far-reaching decentralization of government for

the benefit of ethnic territorial (sub)units; the existing balance between collective and individual rights at the expense of the latter. These are all rooted in the valid Dayton Constitution of B&H, which, according to its critics, should be changed urgently. Not only is this simple thesis insufficient with its normative-institutional fixation that excludes a social perspective, but it also contributes to the obscuring of the real state of things which is far more serious. The B&H state is not dysfunctional because of the strength of ethnic institutions. Indeed, the State does not function even on the level of its ethnic territorial units, and where they do function, they do not operate in an institutional manner but in a para-institutional manner. Moreover, the basic problem a citizen of B&H faces in everyday life is not in the unresolved relationship between collective and individual rights, but in the fact that no rights are guaranteed for him/her at all. What is taking place is not only a deep erosion of state institutions, but also of all other social institutions. The tri-ethnic blockage of the state is but a surface phenomenon of this wide-ranging process. It obscures and legitimizes it at the same time by legitimizing the rule of ethnic elites, which are the most important product and producer (although not the only one) of this state of *non-state*.

This erosion of social institutions has been dragging on for four decades at least; it has its beginnings deep in the Yugoslav social order of self-managing socialism. The Yugoslav communists had an ambivalent, but fairly realistic relationship with modern state institutions. As Yugoslav socialism emphasized its emancipating character, they recognized that there was more freedom in the establishment of modern institutions, in rational bureaucracy and the rule of law. At the same time, they understood the realistic limits of a predominantly rural society in carrying through a proclaimed project of self-managing democracy, and thus emphasized the importance of keeping the status of the party as the only existing political subject in Yugoslav society. This is in spite of the party's renouncement in the early 1950s of the direct administration of the state (and the economy). Yugoslavia was the only socialist country to change its constitution every 10 years. In essence, the institutional shape and title of state institutions changed, but the monopoly of the party's power remained unchanged. When the Yugoslav model of socialism fell into a modernization crisis and when the belief in the emancipation project had started to fade amongst the members of the state and party apparatus, there evolved a technique of ruling through informal channels, through the informal creation of networks between the party, the state and the economy, and through para-institutional action from within formal institutions. In the 1970s, that technique was increasingly used to correct the economic irrationality of the system, but also to satisfy individual interests that were declared illegitimate in socialism. In the overt economic crisis in Yugoslavia in the 1980s, para-institutional actions became an instrument of survival. Mass theft in social enterprises by members of the work collectives, unregistered work, management's abuse of the labour force for private purposes, as well as other methods of "exchanging" services, all took on the form of a collective breach of rules/laws and constituted an all-embracing undermining of state (social) institutions. Indeed, this destructive social mechanism became an integral part of the experience of socialisation.

In the ethnic transformation of post-Yugoslav societies, not only does this process of eroding state institutions continue but it appears that it exceeds all previous boundaries. The new (ethnic) political elites, although pronouncedly anticommunist in their ideological content, have taken on the communist party's para-institutional method of ruling. They have organized the forced ethnicization of the society by erasing the state monopoly of power, i.e. by merging state and para-state actors of violence, by making the grey economy equal to state economic policy, etc.

How can we explain the evident paradox of the simultaneous appearance of ethno-nationalist state constructs and the collective undermining of social institutions which has the state of *non-state* as its most visible symptom? That paradox becomes understandable only when we

reach a point of critical understanding regarding the phenomenon of ethnic nationalism, but not in the categories of classic ideologies or the nationalism of the 19th century. In this text, this understanding can be approached only in basic terms: ethnic nationalism is a social process of collective self-understanding. On the one hand, there is the consciousness of everyday life held by the individual in society. It is determined by a system of opinions, the process of handling social reality in which the individual fulfils a conformist social function. This process simplifies reality, erases social contradictions, gives meaning to social processes, and thus a sense of security to the individual. On the other hand, there is the "political ideology" of ethnic nationalism. To be politically successful, ideologists are forced to adapt ideological content to the needs of the aforementioned counsciousness of everyday life. Ethnic nationalism, although containing extremely aggressive energy, is not a belief in the content of ethnic ideology; it has an extremely conformist character. Ethnic nationalism is not a process of manipulating "the people" by the political elites. On the contrary, the individual, the "common citizen", plays an active part. Hence one finds in public and non-public opinion a modern collectivistic ethnic discourse structured on the principle of *us-them* and centred around several codes. Codes like "identity", "ethnos", "national interest", "culture" etc, codes which remain content-wise completely empty, vague. This discourse *has* to actually lack specificity content-wise, as its main function is not in the content of the "ideology" of ethnic nationalism, but in the very emergence and maintenance of a collective ethnic understanding. The more vague the subject of understanding is, the easier the process of understanding. Such collectivistic discourse is possible only at the end of the 20th century given the following global changes: the creation of a mass media reaching out to the last corner of the world, the penetration of science and scientific terms into politics and media, and "globalization" which has increasingly stripped the idea of the identity of nation, culture and state of its material basis. Yugoslav socialism helped these processes along, in that it took over all the terms of modern political philosophy, emptying their substance over time – from "sovereignty" to the very notion of "the state". This anticipates the second key function of ethnic discourse: not only does it no longer contain any concrete picture of state and society but it has the function of actively avoiding any reflection upon the society.

The emergence of an ethno-nationalist socio-political movement in Yugoslavia/Bosnia and Herzegovina at the end of 1980s and the beginning of the 1990s had the aggressive potential for social transformation embedded within it. At the same time, stripped of any concrete representation of the society and the state (apart from the mythic image of returning to an earlier historic form of community which is impossible to implement due to the altered social relations) this movement also implies certain consequences: the "new" society must be formed upon the principles of the preceding, socialist society which can survive the change of ideological matrix.

By leaving the constitutional/legal status of Bosnia and Herzegovina unresolved, the Dayton constitutional order cemented this specific dynamic of simultaneous social destruction and integration, which determines the structural political irresponsibility of the ethnic elites. The individual actively participates in undermining state institutions, channels his/her dissatisfaction toward other ethnic collectivities, while he/she may feel a victim of his/her own destructive actions at the level of ethnic collectivity. This process is actually the collective self-destruction of a society.

**Crisis mentality and the permanent state of emergency**

A distinct crisis mentality supports these destructive social trends in today's B&H. It also has its origin in socialist Yugoslav society. Although a discourse of "crisis" was most prominent in the 1960s and 1980s, Yugoslav society was not in crisis; with its unstable social relations it was a crisis society *per se*. The socialist regime attempted to compensate for the political risks looming from such unstable relations by invoking different internal and external enemies, aiming to create a permanent state of emergency. The ethno-nationalist regimes in the 1990s only adopted that method of rule. Slobodan Milošević was certainly its grand-master. Crisis mentality, as a manifestation of unstable social relations, shapes social realities at all levels in today's B&H. In the individual's consciousness, time exists almost exclusively in its short-term dimension. The *fast money* principle disturbs all social relations – from economic, through political and private, to even family ties. Hence, the society looks like what Thomas Hobbes described as the natural state of human societies – a *struggle of all against all*.

Political life takes place in this short-term temporal dimension, and thus we find political tactics and political strategies that have a horizon of only one or two years at most. In that way, politics - in its original meaning as the best possible organization of social relations – is actually obstructed.

**Seeking the subject for the creation of a functional state**

It should become clear from everything written in this text thus far that when it comes to the creation of a functional, democratic state of Bosnia and Herzegovina, it is not just about the simple changing of the institutional and constitutional framework. Rather, it is in fact about reversing self-destructive social trends. Who can be the subject of such an essential, transformational process?

**International community**

A substantial number of B&H democratic critics of the state of *non-state* and the role of the domestic political establishment hoped until recently that the international community would take over the role of creating a functional state. The basis for that hope was a widespread perception of the international semi-protectorate regime, embodied in the Office of the High Representative, as the genuine sovereign of the post-Dayton state, especially during Ashdown's mandate.

This is a good example of how false perceptions generate false hopes. The international community was never sovereign in B&H. At any time in the last 12 years, it was not ready to establish a sort of forced administration over Bosnia and Herzegovina, as was the case with Germany after 1945. The international semi-protectorate under OHR's leadership never had executive authority in its hands, employed legislative authority only indirectly and spontaneously, and exercised judicial authority only to a limited extent. From the perspective of these two aforementioned aspects of the current state of the *non-state* (para-institutional undermining of state institutions, crisis mentality), we can conclude that international policy, in addition to creating the facades of some key institutions of the state of B&H, mainly worked to maintain the poor *status quo*.

Judging by its negative impact on the construction of sound state institutions, the role of international authorities resembled greatly that of the position of the League of Communists in the former Yugoslavia: they claimed they were not running the state, but leaving it to domestic political elites, but they continuously interfered in state affairs, arguing that they were protecting the achievements of the Dayton Agreement. They organized regular elections, and then exerted

decisive influence on the composition of ruling party coalitions. They promoted the rule of law, and then failed over a long period of time to pay the social contributions for their local staff.

At the same time, the international institutions reproduced the predominant crisis mentality through their organizational basis: the mandates of their representatives were a mere half-year to two years in duration on average, and these external institutions operated according to the same short-term temporal dimension which significantly determined the unstable character of internal social relations. The international community, structured in that manner, was not able to become the subject of a creation of a functional state, even at the height of its involvement in B&H. At this moment of the collapse of international policy, such hope has lost all grounds.

This time has come, therefore, for B&H society to help itself. Only when subjects who can be the forbearers of the creation of a functional state appear, can they count on appropriate assistance from the international community.

**What are the odds of these potential subjects in B&H politics**
Let us stay for a while with the subjects of the ethnic destruction of the state. It is interesting to note that in recent years we have witnessed the disappearance of relevant, recognizable subjects in B&H: as the result of conflict with the international community, the main actors of ethnic nationalist politics in the first half of the 1990s disappeared from the political scene and were replaced by then third-rate or marginal political figures. Moreover, the main ethnic nationalist parties, the SDA, SDS and HDZ, lost the dominant position they enjoyed among their ethnic collectives, while the mechanisms of the ethnicization of society remained unchanged. Actors committed to antinationalist democratic politics in B&H complain that they are no longer able to identify their ideological opponents, and the policy of replacing obstructionist state and party officials by the OHR subsequently revealed its limited utility. This state of affairs confirms the description of the process of collective ethnic self-understanding mentioned above. It is about a specific social dynamic which does not require prominent political subjects.

What, then, about other potential domestic subjects of building a functional democratic state of B&H, such as the so-called democratic parties? They are in no better condition than the international players. In the last 12 years, all the relevant democratic forces have exhausted and compromised themselves by partially assuming ruling positions. The main explanation offered for such a frustrating situation is the claim that the ethnic structure of state institutions and the role of the international community, as the keeper of the Dayton Agreement, prevented the creation of a serious subject for the transformation of Bosnia and Herzegovina into a functional state. Bearing in mind that international policy over the entire semi-protectorate's history was predicated upon the existence of domestic subjects of democratic transformation, a comparative analysis of the political activities of democratic and nationalist parties reveals this claim as an attractive excuse for the lack of change. In their political activities and self-representation, "democratic" parties remained within the matrix of a dichotomous discourse of "them" and "us", of democrats and nationalists, while their advocacy for a "liberal state" and "civil society" remained as unspecific in content as the very ethnic codes. They never confronted the real state of society, never recognized the basic fact that B&H in its history has never had a liberal state nor a civil society, and no serious thought was given to how democratic political action might deal with the existing social framework of self-destructive social dynamics – either in the ways that they might limit democratic politics (i.e. the participation of larger social groups in the process of ethnicization and the undermining of social institutions), or in their positive potential (i.e. the general dissatisfaction of the population with the social consequences of the process of collective self-destruction). Ethnic elites have been attacked because of corruption, but there have been no

attempts to explain how a political organization can become the subject for the building of state institutions in a society in which all relevant spheres have been substantially transformed by the practice of the collective breach of rules/laws.

Thus, when it comes to political irresponsibility and main structural traits, the similarity of "democratic" parties to nationalist ones becomes clearer: the dominance of limited political tactics and petty personal interest at the expense of political strategies, little attention paid to developing actual policies and the programs to realize them, neglecting the development of strong and competent party organizations for the sake of taking state positions, disdain for the "common people", etc. The dichotomous perception of the party system along the line nationalists vs. democrats[3] is being revealed as a false image. The absence of political subjectivity is the common characteristic of all existing political players.

## A plea for confronting the self-destructive social dynamics

What is to be done? The frustrating state of contemporary Bosnia and Herzegovina society, when it comes to the political task of creating a functional democratic state, needs to be seen as an opportunity. A new political subject needs to be created, either by transforming the existing political organizations, or by building new ones. First and foremost, this new political task must face unsparingly and constructively the current self-destructive social dynamics in B&H. It must initiate a social discourse "about all of us", starting with these dynamics. It must take seriously "the people", as a subject in the creation of the state, while not relieving "the people" of responsibility for the destructive social dynamics. It must be simultaneously "in the people" and act outside of society, in order to be free from the dominant crisis mentality and the political practice of the para-institutional undermining of state institutions and the collective breach of rules/laws. It must ceaselessly reflect upon the social and political foundations of such anti-societal behaviour and the chances of its spreading.

When such a social and political change happens, it will not be crucial for the construction of a functional democratic state of Bosnia and Herzegovina to determine whether or not it will be a liberal civil state as per the French model. Then, the relationship of collective and individual rights and the manner of their institutionalization will no longer represent questions threatening to make a *non-state* out of the state of Bosnia and Herzegovina again.

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[3] The negative political effects of this perception may be seen in post-war B&H through various attempts made by the international community to select local partners for the task of creating a functional state by identifying local political actors as "democratic" vs. "nationalist" and "less nationalist" vs. "more nationalist". The problems caused by such a wrong approach may be detected in the recent years in Serbia, where the international community is trying to determine which political parties belong to the so-called "democratic bloc".

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