

SENATU UNIVERZITETA UNION U BEOGRADU

Odlukom Senata Univerziteta Union u Beogradu broj A 067-01/24, a na predlog Veća za postdiplomske studije Pravnog fakulteta Univerziteta Union u Beogradu (dalje i Izveštaju: PFUUB), imenovana je Komisija za ocenu i odbranu doktorske disertacije (dalje i Izveštaju: Komisija) kandidata Srđana Miloševića, pod naslovom *The Role of Historical Narratives in Constitutional Design: The Case of Yugoslavia and Successor States (Uloga istorijskih narativa u ustavnom dizajnu: Jugoslavija i države naslednice)*. Komisija je radila u sledećem sastavu: prof. dr. Violeta Beširević, prof. dr Zoran Oklopčić prof. dr Monika Bonini. Odluka o imenovanju dostavljena je članovima Komisije 10. aprila 2024. godine.

Proučivši doktorsku disertaciju, u sadržinskom i formalnom pogledu, Komisija podnosi sledeći

Izveštaj

I

Kandidat Srđan Milošević rođen je 29. jula 1982. godine u Čačku (SFRJ, Republika Srbija). Diplomirao je na Filozofskom fakultetu Univerziteta u Beogradu 2007. godine, sa prosečnom ocenom 9,93 kao i na Pravnom fakultetu Univerziteta Union u Beogradu 2020. godine, sa prosečnom ocenom 9,02. Od završetka studija na Filozofskom i, kasnije, Pravnom fakultetu Srđan Milošević se bavio akademskim radom, najpre u Institutu za noviju istoriju Srbije u Beogradu, a zatim i na Pravnom fakultetu Univerziteta Union u Beogradu. Osim kraćih istraživačkih boravaka u inostranstvu (arhivska istraživanja u Parizu, višestruka stipendija za studijske boravke u Lajpcigu na Institutu za studije kulture Univerziteta u Lajpcigu), Srđan Milošević je takođe proveo šest meseci kao stipendista fondacije Imre Kertesz Kolleg u Jeni, od februara do jula 2017. godine. Do sada je učestvovao na većem broju domaćih i međunarodnih projekata.

Na doktorske studije upisao se 2020/2021. školske godine. Projekat doktorske disertacije pod nazivom *The Role of Historical Narratives in Constitutional Design: The Case of Yugoslavia and Successor States (Uloga istorijskih narativa u ustavnom dizajnu: Jugoslavija i države naslednice)* odbranio je pred komisijom u sastavu prof. dr Dragoljub Popović, prof. dr Violeta Beširević, mentorka) i prof. dr Marko Božić 26. oktobra 2022. godine. Odlukom Senata Univerziteta Union u Beogradu broj A 274-01/23 od 30.10.2023. godine kandidatu Srđanu Miloševiću odobrena je izrada doktorske disertacije pod istim naslovom. Za mentorku je određena prof. dr Violeta Beširević.

Kandidat je položio sve predviđene ispite i sa uspehom izvršio ostale obaveze na doktorskim studijama ostvarivši 120 ESP bodova. Takođe je objavio i sledeće naučne radove:

1. Окућница колективизованих сеоских домаћинстава у Југославији (1945–1953), *Tokovi istorije*, 2/2022, стр. 39–71.
2. Agrarian reform in Yugoslavia: The Agro-political Aspect, *Istraživanja*, Vol. 32, 2022, 136–152, (M23)
3. The Third Road Policy: Eurocommunism and it's Yugoslav Assesment, *Filozofija i društvo*, 4/2022, 1037–1054. (M24)
4. Još jednom o ustavnoj sekularnosti, *Pravni zapisi*, 1/2022, 305–312. (M27)
5. Ustav bez zemlje – nastanak Kraljevine SHS i Vidovdanski ustav u nastavi Ustavnog prava

u zemljama naslednicama Jugoslavije, *Pravni zapisi* 1 (2021), 261–284, (M24)

6. Land Property Regime According to the Vidovdan Constitution and the Agrarian Question in the Kingdom of the Serbs, Croats and Slovenes, *Tokovi istorije*, 3/2021, 11–35. (M24)

II

Doktorska disertacija Srđana Miloševića, naslovljena *The Role of Historical Narratives in Constitutional Design: The Case of Yugoslavia and Successor States (Uloga istorijskih narativa u ustavnom dizajnu: Jugoslavija i države naslednice)* napisana je na 232 stranice, ima 593,046 karaktera odnosno 85,834 reči. Bibliografija obuhvata 26 strana. Na početku disertacije, na stranama i-vii, nalaze se sadržaj i sažeci na engleskom i srpskom jeziku.

Doktorska disertacija je za predmet istraživanja imala ulogu istorije oličene u istorijskim narativima u procesu nastanka ili promene ustava, odnosno u opredeljivanju konkretnih ustavnih rešenja. Kao cilj disertacije istaknuto je utvrđivanje u kojim su aspektima ustavnog dizajna istorijski narativi igrali prepoznatljivu ulogu. Polazeći od ovako postavljenog predmeta i cilja disertacije ispitane su sledeće hipoteze: 1) istorijski narativi su u ustavnom dizajnu igrali ulogu u definisanju fundamentalnih ustavnih pitanja kao što su ustavne vrednosti, teritorijalna organizacija i oblici vlasti; 2) istorijski narativi igrali su značajnu ulogu u ustavnom dizajnu bez obzira na politički sistem, odnosno svi politički sistemi koji su se istorijski smenjivali na prostoru Jugoslavije i država naslednica referisali su na istorijski sadržaj u procesu ustavnog oblikovanja države. Osim ovih hipoteza, disertacija analizira i dva fundamentalna pitanja: 1) da li su istorijski narativi predstavljali istinsku motivaciju za konkretna ustavna rešenja ili su u većoj meri bili legitimacijski okvir? 2) budući da je povezanost emocija i ustavnog dizajna teorijski čvrsto ustanovljena, koje emocije se prepoznaju u ustavnom dizajnu kada je reč o iskustvu Jugoslavije i država naslednica?

Pored samih ustavnih tekstova, izvore za rad čine i stenografske beleške ustavotvornih tela, kao i javni istupi (govori, članci) pojedinaca neposredno angažovanih u postupcima usvajanja ustava. Disertacija sadrži uvod, četiri poglavlja, zaključak i bibliografiju, uz prateće elemente koje zahteva format doktorske disertacije (podaci o mentoru i komentoru, izjave o autorstvu, biografija kandidata).

Na početku teze, u delu rada "Introduction" ("Uvod", str. 1–6) saopšten je kratak opis teme istraživanja u širem kontekstu značaja istorije sa stanovišta prava uopšte i, specifično, ustavnog prava i ustavnog dizajna. Naglašene su hipoteze koje su u radu postavljene i ispitivane, kao i osnovni zaključci do kojih je kandidat došao.

Prvo poglavlje, naslovljeno "Constitutional Design and Historical Narratives" ("Ustavni dizajn i istorijski narativi", str. 7–37) sadrži dva potpoglavlja, od kojih se prvo bavi osnovnim pojmovima relevantnim za razumevanje ustavnog dizajna, a drugo značajem istorijskih narativa u procesu nastanka ustava. Budući da period obuhvaćen istraživanjem pokriva nešto više od jednog stoleća i tri različita epohalna okvira (Kraljevina SHS/Jugoslavija, socijalistička Jugoslavija i, delimično, tranzicioni period) kandidat je nastojao da osnovne pojmove ustavne teorije (ustav, ustavotvorna vlast i sl.) posmatra u najopštijim značenjima, primenljivim u svakoj od pomenutih epoha, odnosno da, gde je to bilo potrebno, ukaže na različita poimanja u liberalnom i marksističkom teorijsko-ideološkom okruženju. U drugom delu prvog poglavlja kandidat je dao operativnu definiciju istorijskog narativa i predočio dostupne teorijske zaključke o ulozi istorijskih narativa u ustavnom dizajnu koji su bili od značaja za dalji tok izlaganja. Naime, iako ova tema nije do sada bila u značajnijoj meri obrađivana u nauci, ipak je u relevantnoj literaturi, u većoj ili manjoj meri, bila prisutna makar u rudimentarnom obliku. To je poslužilo kandidatu kao osnovno polazište u istraživanju konkretnih pitanja u slučaju Jugoslavije i njenih država naslednica.

Dok je prvo poglavlje teorijskog karaktera, sledeća tri poglavlja su pretežno empirijska

po svom karakteru, pri čemu se na početku svakog od poglavlja kratko razmatra opšti pojam istraživog fenomena (ustavne vrednosti u prvom poglavlju, zatim unitarna i složena država kao oblici državnog uređenja, u drugom poglavlju, odnosno monarhija i republika kao oblici vlasti, u trećem poglavlju). Osim navedenog pojmovnog okvira, u preostala tri poglavlja nalaze se i kratka izlaganja osnovnih karakteristika istorijskog razvoja u svakoj od istraživanih epoha, u kontekstu osnovne teme istraživanja kojoj je poglavlje posvećeno.

Tako je u drugom poglavlju, "The Role of Historical Narratives in Shaping Fundamental Constitutional Values" ("Uloga istorijskih narativa u oblikovanju osnovnih ustavnih vrednosti", str. 38–92) kroz četiri manje celine (potpoglavlja) predstavljen najpre opšti pojam ustavnih vrednosti i teorijski aspekt ovog koncepta, a zatim su u nastavku analizirane ustavne vrednosti u tri epohe u čijim okvirima se odvija istraživanje u ovoj disertaciji. Za period monarhističke Jugoslavije istraživao je koncept "narodnog jedinstva" kao temeljna ustavna vrednost. Budući da je "narodno jedinstvo" predstavljalo glavni princip nastanka prve jugoslovenske države, njegovo postojanje je afirmisano narativima o etničkoj i kulturnoj bliskosti svih Jugoslovena. Osim toga, sam ustav iz 1921. godine nezvanično je nazvan Vidovdanski, pri čemu je bilo izraženo nastojanje da se ovom značajnom datumu srpske istorije obezbedi širi, jugoslovenski smisao. Time se narodno jedinstvo povezivalo sa jednim od najznačajnijih istorijskih narativa, čime se naglašavao značaj tog koncepta za novonastalu državu. U socijalističkoj Jugoslaviji kao temeljne ustavne vrednosti promovisani su Narodnooslobodilačka borba i bratstvo i jedinstvo. Na ovim temeljima počivala je čitava ideološka, pa i ustavna struktura jugoslovenske države u epohi socijalizma. Pomenuti istorijski sadržaji, odnosno odgovarajući narativi o njima, iako prisutni već u ustavnim debatama iz 1945/46. godine, svoj puni izraz našli su u ustavima iz 1963. i 1974. godine. Konačno, u fazi rasada Jugoslavije i uspostavljanja nacionalnih država, kao temeljna ustavna vrednost izrasta nacija, samostalna, individualna, i, razume se, sudeći prema narativima široko korišćenim prilikom novog ustavnog ustrojstva – istorijski duboko i snažno utemeljena. U ovom periodu su bili korišćeni naročito sadržajni istorijski narativi koji su referisali na odnos prema Jugoslaviji, Evropi, kao i "sopstvenom" nacionalnom nasleđu u državama naslednicama Jugoslavije.

Treće poglavlje, naslovljeno "Historical Narratives in Constitutional Territorial Organization" ("Istorijski narativi i ustavna teritorijalna organizacija", str. 93–141), posvećeno je načinima na koji su istorijski narativi korišćeni kako bi se, u raznim istorijskim epohama, opravdala konkretna ustavna rešenja u pogledu teritorijalne organizacije države. Tako je u periodu Kraljevine SHS/Jugoslavije, na osnovu teze o narodnom jedinstvu Srba, Hrvata i Slovenaca, državna teritorija organizovana kao unitarna država. Svaki oblik težnje za decentralizacijom ili složenom formom države odbacivan je, a kao argumentacija navođeni su istorijski razlozi: sve razlike, pa i "pokrajinske" osobenosti na jugoslovenskom prostoru, objašnjavani su istorijskim nasleđem u kojem su podele bile nametnute od strane stranih osvajača i bile odraz negativnog istorijskog iskustva. U socijalističkoj Jugoslaviji, upravo su s vremenom nastale istorijske osobenosti posmatrane kao činjenica koju treba uvažiti, a istorijski narativi o dosocijalističkoj prošlosti korišćeni kao argumentacija u prilog složenoj arhitekturi državnog uređenja, odnosno federalizmu izgrađivanom na nacionalnoj osnovi i istorijskim osobenostima jugoslovenskih federalnih jedinica. U postjugoslovenskom razdoblju (uz izuzetak Bosne i Hercegovine) države naslednice Jugoslavije u suštini su unitarne države, a većih rasprava o obliku teritorijalne organizacije u smislu dinamike unitarna-federalna država zapravo nije ni bilo, tako da je ova tema razmatrana samo u okviru dva jugoslovenska razdoblja.

U poslednjem, četvrtom poglavlju, čiji je naslov "Historical Narratives and Constitutional Frameworks of Government: Parliamentary Monarchy, Socialist Republic, Parliamentary Republic" ("Istorijski narativi i oblici vlasti: parlamentarna monarhija, socijalistička republika, parlamentarna republika", str. 142–190) predmet istraživanja analiziran je u kontekstu oblika vlasti u kombinaciji sa oblikom političkog režima. U vreme Prve

Jugoslavije parlamentarni režim povezivan je sa dinastijom Karađorđević i ustanovom monarhije posle 1903. godine, a istorijski narativi o zaslugama dinastije Karađorđević za uspostavljanje parlamentarnog režima služili su kao legitimacijski argument za uspostavljanje nove države Južnih Slovena kao monarhije. Glorifikacija dinastije počivala je na narativima o njenoj pozitivnoj ulozi u prošlosti, a time se dinastička harizma, naročito ličnost kralja Petra I Karađorđevića, prenosila i na izabrani oblik vladavine, odnosno monarhiju. I republikanska opozicija je takođe imala svoju liniju antidinastičke i time antimonarhijske istorijske naracije, ali je ona ostala u manjini. Argumenti protiv monarhije, uobličeni upravo kao istorijski narativi o njenoj negativnoj ulozi u istoriji Srbije, ali i načelno, kroz istoriju uopšte, poslužili su jugoslovenskim komunistima posle Drugog svetskog rata, kada su osvojili vlast u Jugoslaviji. Ustavom propisan novi, republikanski oblik vlasti opravdavan je, dakle, negativnim istorijskim iskustvom monarhističke epohe. Konačno, u fazi raspada jugoslovenske države, naročito u Srbiji i Hrvatskoj koje su u ovom slučaju uzete u obzir, naročito je naglašavano prethodno parlamentarno iskustvo kao istorijsko nasleđe na koje se nadovezuju ove države u post-socijalističkom periodu. Glorifikacija tog nasleđa sadržala je niz nekritičkih narativa, kojima se uspostavljao kontinuitet sa dosocijalističkom prošlašću i, istovremeno, ukazivalo na socijalističku fazu istorije kao na “anomaliju” u nacionalnom razvitku. Na taj način je, ponovo istorijskim argumentima, legitimisano ustavno ustrojstvo novonastalih država.

Rad se završava zaključnim razmatranjima, “Conclusions” (“Zaključci”, str. 191-193), u kojima su kratko izloženi rezultati istraživanja: zastupljenost istorijskih narativa u ustavnom dizajnu bila je srazmerna novini ustavnog rešenja, što je posebno vidljivo u ustavima iz 1921. i 1946. godine. Među temama naročito snažno potkrepljenim istorijskim narativima nalaze se “nacionalno jedinstvo” u ustavima Kraljevine (1921. i 1931), “bratstvo i jedinstvo” u ustavima socijalističke Jugoslavije (1946–1974), i “nacionalne tradicije” u ustavima država nastalih raspadom Jugoslavije. Činjenica da su istorijski narativi više korišćeni u javnim nastupima u skupštini, nego na sednicama zatvorenog karaktera, sugerise da su ti narativi u znatnijoj meri bili instrument argumentacije nego dublje motivacije za ustavna rešenja. Njihova važno svojstvo je sposobnost da izazivaju emocije, koje su značajan faktor u procesu ustavnog dizajna. Istovremeno pozivanje na istoriju sadrži i racionalnu komponentu budući da osloncem na ideju istorije kao *magistra vitae* mnoga ustavna rešenja mogu da budu uspešno podržana. U tom smislu, istorijski narativi su posebno koristan argument budući da istovremeno adresiraju dve važne dimenzije relevantne za ustavni dizajn: emotivnu i racionalnu.

Bibliografija radova i izvora (str. 194–218) korišćenih u istraživanju uključuje najrelevantnije radove odnosno izvorne materijale i svedoči o dobro obavljenoj bibliografskoj fazi istraživanja. Imajući u vidu specifičnost istraživanog problema bibliografija sadrži ustavnopravnu, pravnoistorijsku i historiografsku literaturu, pretežno na regionalnim jezicima (pre svega na srpskom jeziku) i na engleskom jeziku, manjim delom na francuskom i italijanskom.

III

Komisija je jednoglasno ocenila da je kandidat Srđan Milošević sa uspehom dokazao polazne hipoteze i odgovorio na postavljena istraživačka pitanja. Posvetivši se ovoj temi, kandidat je koristio korpus najrelevantnijih izvora, relevantnu sekundarnu literaturu i analitički metod kojim je materija uspešno obuhvaćena i objašnjena. Prema mišljenju članova Komisije, disertacija zadovoljava standarde naučno-istraživačkog doktorskog rada o relevantnoj i novoj istraživačkoj temi. Kompleksnu, novu i važnu temu, kandidat je obradio sistematično, baveći se fundamentalnim pitanjima ustavnog dizajna: od pitanja ustavnih vrednosti, preko državnog uređenja, do problema oblika vlasti i sve to u tri različite istorijske epohe, odnosno u periodu Kraljevine SHS/Jugoslavije, socijalističke Jugoslavije i tranzicionog perioda. Ovakav okvir istraživanja omogućio je pre svega dijahronu komparaciju čiji zaključci mogu imati i širi

teorijski značaj, naročito ako budu podržani i drugim komparativnim istraživanjima. Iz navedenih razloga disertacija kandidata Srđana Miloševića predstavlja doprinos nauci već i zbog same inovativnosti u tematskom pogledu, a svakako i u pogledu konkretnih rezultata.

U metodološkom pogledu kandidat je koncipirao disertaciju kao kvalitativnu jezičku analizu teksta sa elementima analize sadržaja, sistematično izlažući rezultate istraživanja u skladu sa tematsko-hronološkim rasporedom građe. Metodološki i analitički aspekt disertacije mogao bi da bude dodatno poboljšan snažnijim povezivanjem obimnog materijala istraženog i izloženog u tezi i teorijskog okvira istraživanja (povezanost istorijskog narativa, emocija i ustavnog dizajna).

IV

Navedene karakteristike doktorske teze kandidata Srđana Miloševića naslovljene *The Role of Historical Narratives in Constitutional Design: The Case of Yugoslavia and Successor States (Uloga istorijskih narativa u ustavnom dizajnu: Jugoslavija i države naslednice)* ukazuju, najpre, da je u formalnom smislu teza napisana uz dosledno pridržavanje odobrene prijave teze, a zatim i da, u sadržinskom pogledu, predstavlja samostalan i originalan naučni rad. Time je teza ispunila kriterijume za doktorski rad, a kandidat stekao pravo pristupi javnoj odbrani doktorske disertacije.

Beograd/ Milano, 12. april 2024. godine

ČLANOVI KOMISIJE

Violenta Beširevic

prof. dr Violeta Beširević

Monika Bonini

prof. dr Monika Bonini

Zoran Oklopčić

prof. dr Zoran Oklopčić

/Translation from Serbian/

To the

SENATE OF THE UNION UNIVERSITY IN BELGRADE

Based on the Union University in Belgrade Senate Decision No. A 067-01/24, as well as the proposal of the Postgraduate Studies Council of the Union University Law School Belgrade (henceforth: UULSB), a PhD Dissertation Evaluation and Defense Committee (henceforth: the Committee) was named to consider the dissertation of Srdjan Milosevic, a PhD Candidate, entitled *The Role of Historical Narratives in Constitutional Design: The Case of Yugoslavia and Successor States*. The Committee members were the following: Prof. Violeta Besirevic, SJD, Prof. Zoran Oklopic, SJD, and Prof. Monika Bonini, SJD. The Committee appointment Decision was delivered to its members on 10 April 2024.

Upon considering the PhD dissertation contents and its formal elements, the Committee submits the following

REPORT

I

The candidate Srdjan Milosevic was born on 29 July 1982 in Cacak (the then SFRY, today's Republic of Serbia). He graduated from the Faculty of Philosophy, University of Belgrade in 2007 (with an average grade of 9.93 of max. 10), as well as the Union University Law School Belgrade in 2020 (with an average grade of 9.02 of max. 10). Since his graduation from the Faculty of Philosophy and, later, Law School, Srdjan Milosevic has been involved in academic work, first in the Institute for Recent History of Serbia and later on at the Union University Law School Belgrade. He obtained his PhD title in History in 2016. Besides short research study trips abroad (archival research in Paris, multiple scholarship for study trips to the Cultural Studies Institute of the Leipzig University), Srdjan Milosevic also spent six months as a fellow of the Imre Kertesz College in Jena, Germany (February-July 2017). He has also participated in a significant number of national and international projects so far.

He enrolled his current PhD studies in 2020/2021 school year. He defended his PhD dissertation project entitled *The Role of Historical Narratives in Constitutional Design: The Case of Yugoslavia and Successor States* before a committee whose members were Prof. Dragoljub Popovic, SJD, Prof. Violeta Besirevic, SJD and Marko Božić, SJD, Associate Professor on 26 October 2022. Based on the Decision of the Senate of the Union University in Belgrade No. A 274-01/23 from 30 October 2023, the candidate Srdjan Milosevic became eligible to write a PhD dissertation under the aforementioned title, with Prof. Violeta Besirevic, SJD, becoming his designated Mentor.

The candidate has passed all foreseen exams and has successfully fulfilled all his obligations pertaining to his PhD studies, obtaining thus a total of 120 ECTS. He has also published the following scholarly/scientific research papers:

1. Окућница колективизованих сеоских домаћинстава у Југославији (1945–1953) [Private Plots of Collective Rural Households in Yugoslavia 1945-1953]. In: *Tokovi istorije*, 2/2022, pp. 39–71.
2. Agrarian reform in Yugoslavia: The Agro-political Aspect. In: *Istraživanja*, Vol. 32, 2022, pp. 136–152, (M23)
3. The Third Road Policy: Eurocommunism and it's Yugoslav Assesment. In: *Filozofija i društvo*, 4/2022, pp. 1037–1054. (M24)

4. Još jednom o ustavnoj sekularnosti [Once Again on Constitutional Secularity]. In: *Pravni zapisi*, 1/2022, pp. 305–312. (M27)
5. Ustav bez zemlje – nastanak Kraljevine SHS i Vidovdanski ustav u nastavi Ustavnog prava u zemljama naslednicama Jugoslavije [A Constitution without a State – The Evolution of the Kingdom of Serbs, Croats and Slovenes and the Vidovdan Constitution in Constitutional Law Teaching in Successor States to Yugoslavia]. In: *Pravni zapisi* 1 (2021), pp. 261–284, (M24)
6. Land Property Regime According to the Vidovdan Constitution and the Agrarian Question in the Kingdom of the Serbs, Croats and Slovenes. In: *Tokovi istorije*, 3/2021, pp. 11–35. (M24)

II

Srdjan Milosevic's PhD dissertation entitled *The Role of Historical Narratives in Constitutional Design: The Case of Yugoslavia and Successor States* contains 232 pages, and 593,046 characters (85,834 words). Its references take up 26 pages; its beginning, that on pages i-vii, presents the dissertation contents and its two summaries (one in Serbian and another in the English language).

The PhD dissertation research subject is the role of history in the form of historical narratives inherent to the process of constitution making, especially in designating specific constitutional provisions options. The aim of the dissertation is to establish the constitutional design aspects in which certain historical narratives played an apparent role. Starting from such research subject and aim, the following hypotheses served for the analysis:

- 1) Historical narratives played a role in defining fundamental constitutional issues, such as constitutional values, territorial organization and forms of government;
- 2) Historical narratives played a significant role in constitutional design regardless of the political system, namely all political system interchanging on the territory of Yugoslavia and its successor states referred to historical contents in the process of a constitutional state formation.

Besides these hypotheses, the dissertation analyzes two fundamental questions as well:

- 1) Whether the historical narratives represented a veritable motivation for specific constitutional solutions or were they to a greater extent their legitimization framework;
- 2) Since relation between emotions and constitutional design has firmly been acknowledged in theoretical considerations, which emotions are identifiable in constitutional design pertaining to the experience of Yugoslavia and its successor states?

Along with the very constitutional texts, the sources for the dissertation are stenographic notes of constitutional bodies, as well as oral and written public statements (such as speeches and articles) of individuals directly engaged in constitution making. The dissertation comprises of an introduction, four chapters, a conclusion and a references list, along with the formal elements of a PhD dissertation (the Mentor and Co-Mentor, authorship statements, the candidate's CV).

The opening part ("Introduction", pp. 1–6) offers a brief description of the research topic in a wider context of the significance of history, from the perspective of law in general and, more specifically, constitutional law and constitutional design. The hypotheses of the dissertation are also stated here, along with the basic conclusions the candidate has drawn from his research.

Chapter one, entitled "Constitutional Design and Historical Narratives" (pp. 7–37), comprises of two subchapters. The first deals with basic notions relevant for understanding constitutional design, while the second elaborates on the significance of historical narratives in a constitution creation process. Since the historical period covered by the research stretches over a century and includes three different epochs of reference (the Kingdom of Serbs, Croats and Slovenes/Yugoslavia, the socialist Yugoslavia and partially the transitional period), the

candidate tried to consider the most general meanings of the basic notions of constitutional theory (the constitution, constitutional authority, etc.), those applicable in all of the aforementioned epochs. When required and relevant, he also pointed to their different perceptions in a liberal and a Marxist theoretical and ideological setting. The second part of the first chapter offers the candidate's operative definition of the historical narrative, along with a presentation of available theoretical conclusions about the role of historical narratives in constitutional design pertinent to the further elaboration within the dissertation. Namely, despite this topic not being substantially dealt with from a scientific standpoint, it has been more or less present the relevant literature at least in its rudimentary form. This circumstance presented a stepping stone to the candidate in his research of specific issues in case of Yugoslavia and its successor states.

While the first chapter is theoretical, the following three are predominantly empirical, each beginning with a brief consideration of the general notion of the phenomena researched in them (constitutional values in the first of them, followed by the unitarian and complex state as forms of its polity in the second and monarchy and a republic as polity forms in the third). Besides such notional framework, the remaining three chapters contain short deliberations concerning each researched epoch's historical development basic characteristics in the context of the basic research topic dealt with in each of the chapters.

Thus the second chapter, entitled "The Role of Historical Narratives in Shaping Fundamental Constitutional Values" (pp. 38–92), comprises of four smaller subchapters presenting the general notion of constitutional values and theoretical aspect of this concept as the first, followed by an analysis of constitutional values in the three epochs representing the research timeframe of the dissertation. The monarchist Yugoslavia period imposed researching the concept of 'national unity' as a fundamental constitutional value. Since 'national unity' represented the main principle of creation of the first Yugoslav state, its existence was being affirmed through narratives about ethnic and cultural closeness of all Yugoslavs. Besides, the very 1921 Constitution was named the Vidovdan Constitution, reflecting thus an evident, manifested effort to provide this significant date from Serbian history with a broader, Yugoslav context and meaning. That way, people's unity became associated with one of the most significant historical narratives, emphasizing thus the importance of such a concept for the newly-established state. The socialist Yugoslavia promoted the National Liberation Struggle and brotherhood and unity as its fundamental constitutional values. These were the foundations of an entire ideological, even constitutional structure of the Yugoslav state in the socialist epoch. The aforementioned historical contexts, alias their corresponding narratives, despite being present already in the constitutional debates of 1945-1946, became fully apparent in the 1963 and 1974 Constitutions. Finally, during the breakup of Yugoslavia and establishment of ethnic states thereafter, the fundamental constitutional value became the independent, individual nation which was – according to the widely used narratives during the new constitutional design – deeply and strongly rooted historically. That was a period of content-wise particularly heavy historical narratives referring to the perception of Yugoslavia, Europe, as well as the 'own' ethnic heritage in each of the successor states to Yugoslavia.

Chapter three, entitled "Historical Narratives in Constitutional Territorial Organization" (pp. 93–141), deals with the ways historical narratives were used to justify specific constitutional provisions pertaining to territorial organization of the state in various historical epochs. Thus, during the period of the Kingdom of the Serbs, Croats and Slovenes/Yugoslavia, based on the thesis about national unity of Serbs, Croats and Slovenes, the state territory was organized as a unitarian state. Any form of decentralization or a complex state form aspirations was discarded and the argumentation for it were historical reasons: all differences, including 'provincial' particularities in the Yugoslav space, were explained by historical heritage laden with divisions imposed by foreign conquerors and reflective of a negative historical experience. It was precisely in the socialist Yugoslavia that, with time, ensuing historical particularities started being perceived as a fact to be acknowledged, while historical narratives about the pre-

socialist past were used as argumentation in favor of a complex state (and) polity architecture, alias federalism based on national foundations and historical particularities of Yugoslav federal units. During the post-Yugoslav period, all successor states to Yugoslavia (except for Bosnia and Herzegovina) are essentially unitarian states. There was actually no major discussion about the form of their territorial organization in the sense of a unitary cf. a federal state, so this topic was discussed only within two Yugoslav periods.

In the last, fourth chapter, entitled “Historical Narratives and Constitutional Frameworks of Government: Parliamentary Monarchy, Socialist Republic, Parliamentary Republic” (pp. 142–190), the research subject was analyzed in the context of the form of government combined with the form of the political regime. At the time of the First Yugoslavia, the parliamentary regime was associated to the Karadjordjevic dynasty and the institution of monarchy after 1903, while the historical narratives about the credits of the Karadjordjevic dynasty pertaining to establishment of a parliamentary regime served as a legitimizing argument for establishment of a new state of the South Slavs as a monarchy. Glorification of the Dynasty relies on the narratives of its positive role in the past, thus the dynastic charisma, especially that of the King Petar Karadjordjevic I, transpired into the chosen form of government as well, namely the monarchy. The republican opposition also had its line of anti-dynastic and simultaneously also an antimonarchic historical narrative, but it remained a minority. Anti-monarchy argumentation, phrased precisely as historical narratives about its negative role in the history of Serbia, but generally, through history as well, served the Yugoslav Communists after World War II once they had claimed power in Yugoslavia. The new, republican form of government prescribed by the constitution was therefore justified by a negative historical experience of the monarchist epoch. Finally, during the breakup of the Yugoslav state, especially in Serbia and Croatia that had been considered in this case, the previous parliamentary experience was particularly emphasized as a historical legacy serving as a continuity basis to these two states in the post-socialist period. Glorification of such heritage contained a series of non-critical narratives establishing continuity with the pre-socialist past and, at the same time, pointing to the socialist phase of history as an ‘anomaly’ in the national development. This was yet another way how, once again using historical arguments, the constitutional regulation of the newly-established states was being legitimized.

The dissertation ends with concluding considerations (“Conclusions”, pp. 191-193) briefly elaborating the research results: prevalence of historical narratives in constitutional design was proportionate to the novelty of the constitutional solution, which is particularly evident in the 1921 and 1946 Constitutions. Some of the topics prominently supported by historical narratives were ‘national unity’ in the Constitutions of the Kingdom (1921 and 1931), ‘brotherhood and unity’ in the Constitutions of the Socialist Yugoslavia (1946 and 1974) and ‘national traditions’ in the Constitutions of the states emerging from the breakup of Yugoslavia. The fact that historical narratives were more used in parliamentary public addresses than in its closed meetings and sittings suggests that such narratives were more of an argumentation instrument than a deeper motivation for constitutional solutions. Their significant feature is the capacity to generate emotions, which are a significant factor in a constitutional design process. At the same time, referring to history contains a rational component as well since relying on history as a *magistra vitae* many constitutional solutions can be successfully supported. In such sense, historical narratives are an especially useful argument because they address two significant dimensions relevant to constitutional design at the same time: the emotional and the rational one.

The bibliography - the list of references and sources (pp. 194–218) used in for research purposes includes the most relevant source materials and testifies of a well-performed bibliographic phase of the research. Bearing in mind the specificities of the issue researched, the bibliography includes literature in constitutional law, legal history and general history, predominantly in the languages of the region (primarily in Serbian) and in English, with a smaller proportion of it being in French and Italian.

III

The Committee was unanimous in its assessment that the candidate Srdjan Milosevic has successfully confirmed the initial hypotheses and answered the research questions raised. Committing to this topic, the candidate used a corpus of the most relevant historical sources, relevant secondary sources and an analytical method that successfully incorporated and explicated the subject matter. The Committee members hold that the dissertation meets the standards of an academic scientific research corresponding to a doctoral dissertation pertaining to a relevant and novel research topic. The candidate dealt with such a complex, original and significant topic in a systematic way, dealing with fundamental constitutional design issues: from the issue of constitutional values, over state polity, to the issue of the form of government, all of them in three different historical epochs, namely in the period of the Kingdom of SCS/Yugoslavia, the Socialist Yugoslavia and the transitional period. Such a research framework provided, above all, for a diachronic comparison, the conclusions of which might have an even broader theoretical significance, especially if backed by other comparative research as well. These are the reasons that the dissertation of the candidate Srdjan Milosevic is considered a contribution to science both due to its innovativeness from a thematic standpoint and its specific findings.

Methodology-wise, the candidate conceptualized his dissertation as a qualitative linguistic text analysis with elements of content analysis, presenting research results systematically along the lines of the thematic and chronological order of the empirical material. Methodological and analytical aspects of the dissertation could have been improved by linking the extensive research material analyzed and presented in the dissertation with the theoretical framework of the research (highlighting interlinkages among the historical narratives, emotions and constitutional design).

IV

The aforementioned characteristics of the PhD thesis of the candidate Srdjan Milosevic entitled *The Role of Historical Narratives in Constitutional Design: The Case of Yugoslavia and Successor States* indicate, firstly, that the thesis has been written along the formal lines of its pre-approved draft proposal, as well as that it is content-wise an individual and original academic scientific research endeavor. Thus, the thesis meets the criteria of a PhD dissertation and the candidate has obtained the right to engage in its public defense.

In Belgrade/Milano, 12 April 2024

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